

The
RULES
OF
The Law Society
of Newfoundland
WITH
The Statutes relating to the
Society
The Curriculum for Students,
&c.



ST. JOHN'S, N.F.
Robinson & Company, Limited, Press
1918

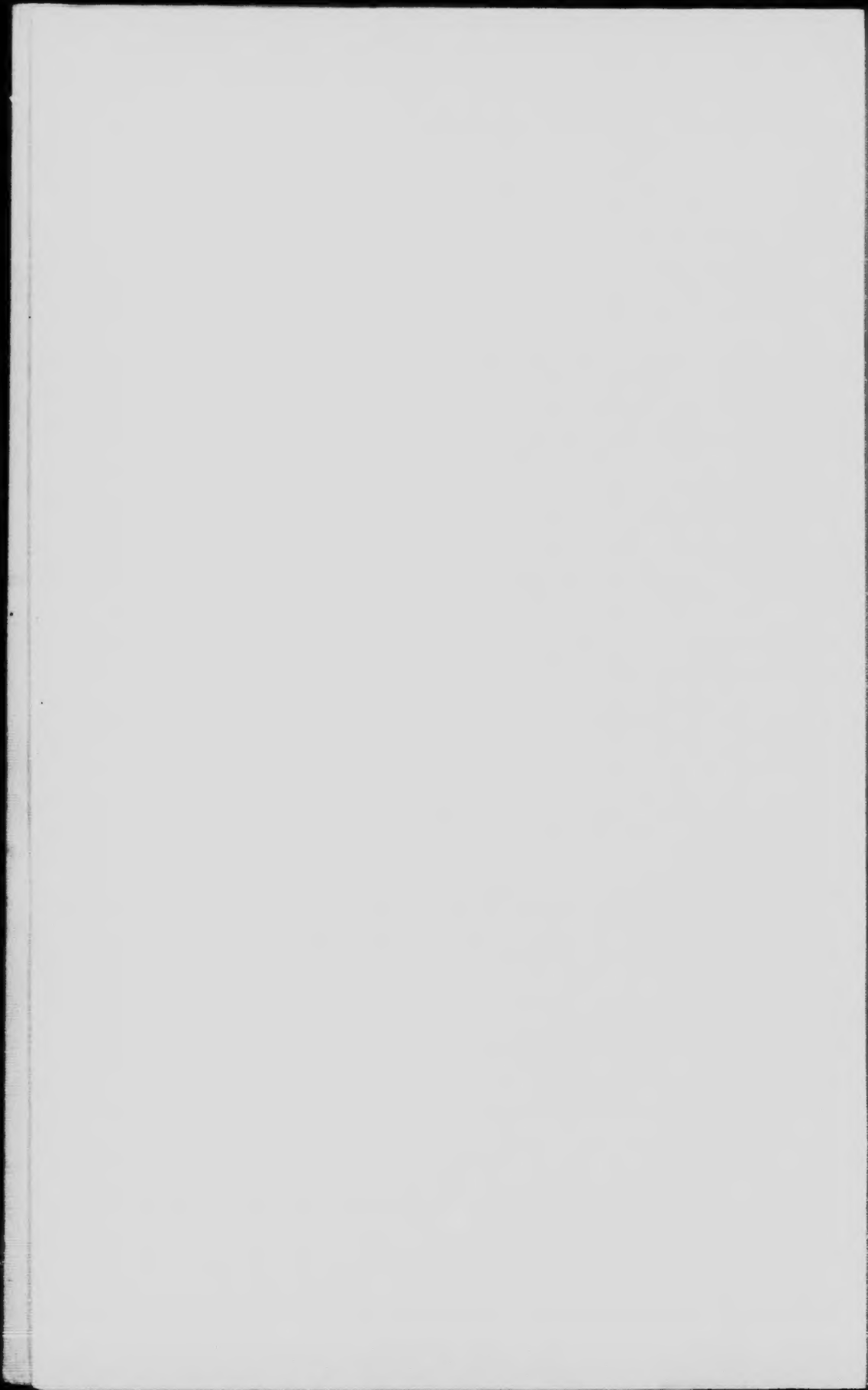
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**The Law Society
of Newfoundland**

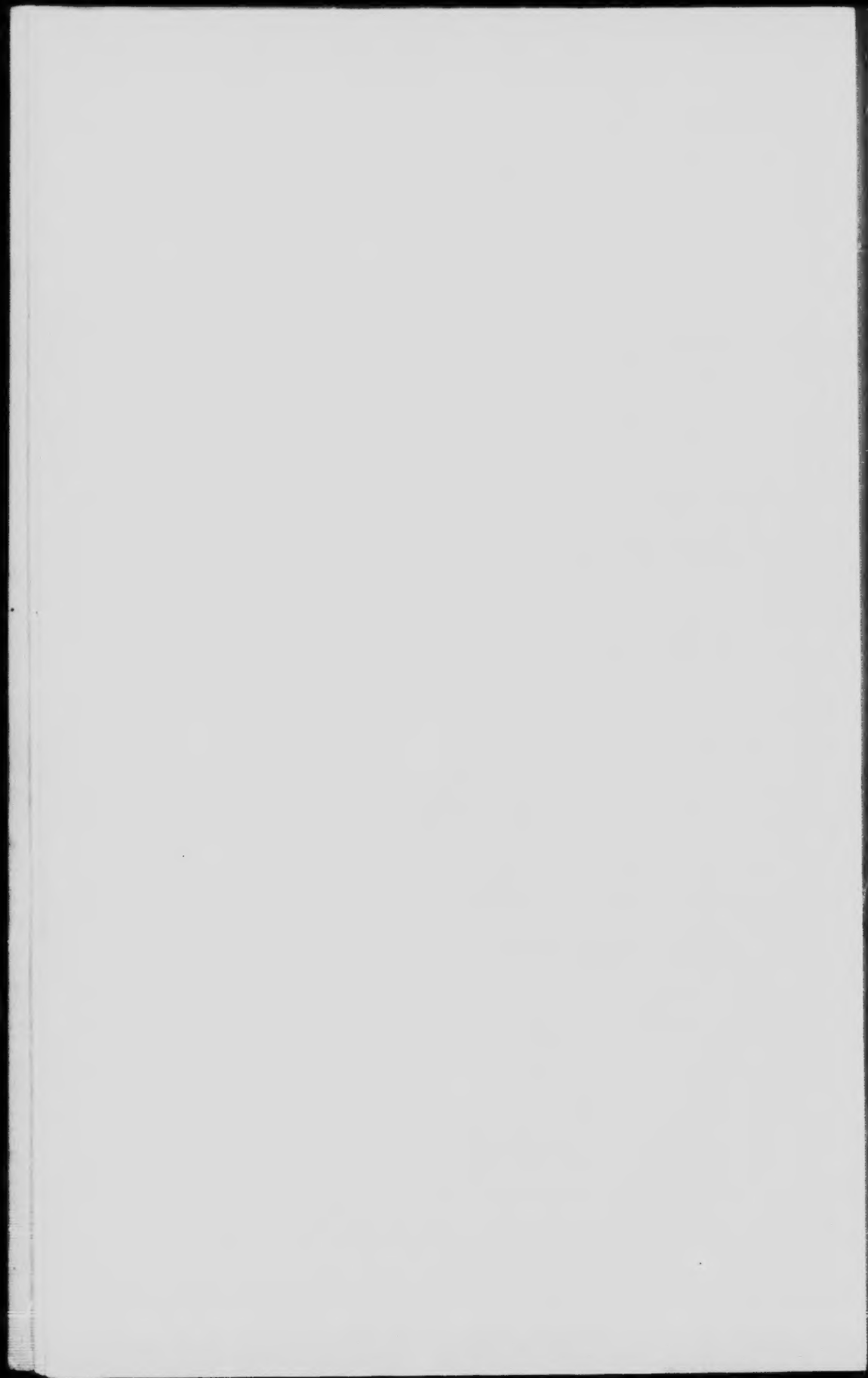
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PREFACE.

Any person who desires to study law with a view to practising in this country, should first apply to the Benchers of the Law Society for leave to become an Articled Clerk. This leave is granted upon proof of the candidate's competency to enter upon such study. The application should be made in the manner provided by Rule 44.

As soon as the candidate obtains his certificate (Form III, in Appendix) he should prepare his Articles, (Form IV, in Appendix), and have them executed and filed. He should thereupon, without delay, apply for admission to the Law Society as a Student-at-Law, (Rules 48 to 50) and be entered on the Roll, and receive his certificate (Form IX, in Appendix.)

Service in a Solicitor's office qualifies both for admission as a Solicitor of the Supreme Court, and for call to the Bar, provided that the candidate is duly entered both as an Articled Clerk and as a Student-at-Law. Mere attendance in a Barrister's Chambers does not qualify for call, for the Degree of Barrister is conferred only upon Solicitors of at least one year's standing. The distinction between Articled Clerks and Students-at-Law is little recognized in the Profession, for the reason that each person serves in both capacities at the same time. It is, however, well to remember that one who has been permitted to enter under Articles, and is pursuing the course necessary to qualify him for admission as a Solicitor, is designated an Articled Clerk; while on the other hand, one who has been admitted into the Society and is pursuing the course necessary to qualify him for call to the Bar, is designated a Student-at-Law.

After the candidate has entered under Articles and become a Student-at-Law, six examinations await him, viz.: The four Intermediate Examinations, The Examination for Certificate of Fitness, and the Examination for Call to the Bar. A careful perusal of the Rules and the Curriculum of Study will enable the student to discover the various steps to be taken in order that he may present himself in due course at these examinations, as well as the standard of knowledge demanded thereat. After due service and a strict observance of the Rules, the successful candidate will be enrolled as a Solicitor of the Supreme Court, and receive a Certificate from the Registrar of the Supreme Court accordingly. After the lapse of another year, and a compliance with the Rules made in that be-

half, he will, provided he has been on the books for the requisite time as a Student-at-Law, be called to the Bar, and receive his Diploma from the Treasurer of the Law Society, and be enrolled as a Barrister-at-Law.

In addition to the Resolutions, Rules, Curriculum of Study, and Forms, the Benchers have caused to be published in this volume the Act of Incorporation, and the Act of the Legislature which at present relates to the Society. They submit this book to the Members of the Society, in the hope that the information it contains may be found helpful to them.

St. John's, 1918.

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1937 October

Benchers - Ex-Officio

Rt. Hon. Sir R. A. Squires. K. C. H. C. M. G., K. C.
Ex-Attorney General

W. R. Howley, K. C. -

Hon. L. C. Emerson, K. C. Attorney General
Elected

~~H. A. Winter K. C. { retire 1938~~

~~J. P. Blackwood K. C. }~~

C. E. Hunt K. C. { retire 1939

J. G. Higgins K. C. }

C. O. H. Courroy K. C. { retire 1940

C. J. Fox, K. C. }

J. A. W. W. McNeily K. C. { retire 1941

W. C. Wood K. C. }

W. R. Howley K. C. President & Treasurer

J. G. Higgins K. C. Secretary

C. H. Hutchings K. C. { retire 1942

H. A. Winter K. C. }

The Law Society of Newfoundland

VISITORS.

The Honourable the Judges of the Supreme Court of Judicature
for Newfoundland.

BENCHERS.

Ex Officio.

RT. HON. BARON MORRIS, K.C., K.C.M.G., LL.D., Ex-Attorney General.

HON. DONALD MORISON, K.C., Ex-Judge of the Supreme Court and Ex-
Attorney General.

HON. R. A. SQUIRES, K.C., LL.B., Ex-Attorney General.

HON. W. F. LLOYD, K.C., D.C.L., Attorney General.

ELECTED.

(To January 1919.)

HUGH H. CARTER, K.C.

HON. J. AUGUSTUS CLIFT, K.C.

WILLIAM E. WOOD, K.C.

CHARLES O'NEILL CONROY, K.C.

JAMES P. BLACKWOOD, K.C.

WILLIAM R. HOWLEY, K.C.

TREASURER.

HON. D. MORISON, K.C.

SECRETARY.

HON. CHARLES H. EMERSON, K.C.

*List of Persons who have been Elected or have ex officio become Benchers
of the Society since its Foundation, with the Year of Their
First Election or Becoming Benchers.*

1834	James Simms Hugh A. Emerson George Lilly William B. Row Bryan Robinson Charles Simms Robert R. Wakeham Edward M. Archibald George H. Emerson, Sr.	1881	Robert J. Kent James S. Winter Alexander J. W. McNeily
1845	Hugh W. Hoyles	1889	Michael J. O'Mara D. Joseph Greene Patrick J. Scott George H. Emerson, Jr. I. Robert McNeily
1848	John Hayward Frederic B. T. Carter	1891	William H. Horwood
1851	Philip F. Little Harcourt Mooney	1893	George M. Johnson Donald M. Browning
1854	George H. Hogsett	1894	Donald Morison
1859	John Little William V. Whiteway	1895	Herbert E. Knight
1862	Matthew W. Walbank	1898	William J. Meehan Martin W. Furlong
1865	Thomas J. Kough Robert J. Pinsent	1901	J. A. Clift Edward P. Morris James M. Kent F. J. Morris
1869	Joseph I. Little	1904	Hugh H. Carter
1874	Prescott Emerson	1909	Charles O'Neill Conroy
1878	Augustus O. Hayward.	1911	James P. Blackwood
		1912	Charles H. Emerson
		1913	W. E. Wood.
		1918	W. R. Howley.

THE BENCHERS OF THE LAW SOCIETY OF NEWFOUNDLAND IN CONVO-
CATION, IN SPECIAL SESSION CONVENED FOR THE CONSIDERATION
OF RESOLUTIONS, RULES AND REGULATIONS, ON THE 20TH DAY OF
MARCH, A.D., 1895, PASSED THE FOLLOWING RESOLUTIONS OF
CONVOCACTION—

1. *Resolved*—That the Law Society of Newfoundland was established by Act of the Legislature of Newfoundland, 4 Wm. IV, Cap. 23, (2nd session, 12th of June, 1834) section 1 of which Statute enacts that "it shall and may be lawful for the persons now admitted to practice in the law, and practising at the Bar of any of His Majesty's Courts of this Island, to form themselves into a Society to be called 'The Law Society of Newfoundland' as well for the establishing of order amongst themselves as for the purpose of securing to the Island and to the profession a learned and honourable body, to assist their fellow subjects as occasion may require, and to support and maintain the constitution of the Island."

2. *Resolved*—That under that Act all persons duly entered of the Society and admitted on its books, whether as Students or Barristers-at-Law, became by such entry and admission to all intents and purposes whatsoever, members of the Society.

3. *Resolved*—That by that Act the Society was empowered, with the approbation of the Judges of the Supreme Court as visitors of the said Society, to make such rules and regulations as might be deemed necessary or proper for the Government of the Society.

4. *Resolved*—That by Rule (1) of the said Society, passed by the said Society on the 1st of July 1834, at the first meeting summoned pursuant to the 3rd Section of that Act, and approved of by the Judges according to the said Statute on the 6th of January 1836, it was provided that the Benchers of the said Society for the time being (who by the seventh section of the said Act are declared to be a corporate body) should be considered Governors of the said Society and have full power to make such Rules and Regulations from time to time as should or might be necessary for the welfare of the Society.

5. *Resolved*—That by that rule the whole power of making Rules and Regulations for the government of the Society was duly transferred to and vested in the Convocation of Benchers.

6. *Resolved*—That by the Act 52 Vic., Cap 22, (June 1, 1889) it was enacted (Sec. 1) that the Law Society of Newfoundland shall continue as at present constituted, subject to the provisions of that Act, and to the Bye-Laws, Resolutions, Rules and Regulations of the said Society in force at the time that Act takes effect, except so far as the same are in-

consistent with that Act, until altered by the Benchers of the said Society, pursuant to that Act; and it was further enacted (Sec. 2) that the Treasurer and Benchers of the said Society heretofore incorporated, and their successors, shall continue to be a body corporate and politic by the name of "The Law Society of Newfoundland."

7. *Resolved*—That, while the said Acts confer corporate powers upon the Treasurer and Benchers only, under the corporate name of "The Law Society of Newfoundland," the said Acts do not interfere with the right of membership of persons duly entered of the Society, and admitted on its books as Students or Barristers-at-law, but leave them members of the Law Society of Newfoundland, though not members of the corporation of "The Law Society of Newfoundland."

8. *Resolved*—That the powers conferred by the said Acts upon the Treasurer and Benchers, as well as all other powers with which they have been entrusted, are held by the said Benchers in trust for the benefit of the said Society at large, and not for the benefit of the corporation only.

9. *Whereas*, by the Act 4 Wm. IV, Cap. 23, it is provided that certain rules and regulations made at the first meeting of the Society (July 1, 1834) necessary for the immediate establishment of the Society and its future welfare, and such other rules and regulations as may in time to come be then and there necessary, shall receive the approbation of the Judges of the Supreme Court as visitors:

And whereas, by the Act 52 Vic., Cap. 22, it is enacted that the Benchers of the Law Society may for certain purposes therein expressed, make Rules and Regulations, without providing that the approbation of the said Judges shall be necessary to give effect and validity to such Rules and Regulations, except in certain matters therein mentioned:

And Whereas doubts may arise as to whether the approbation of the Judges of the Supreme Court be or be not, and to what extent, necessary to give validity and effect to such last mentioned Rules and Regulations:

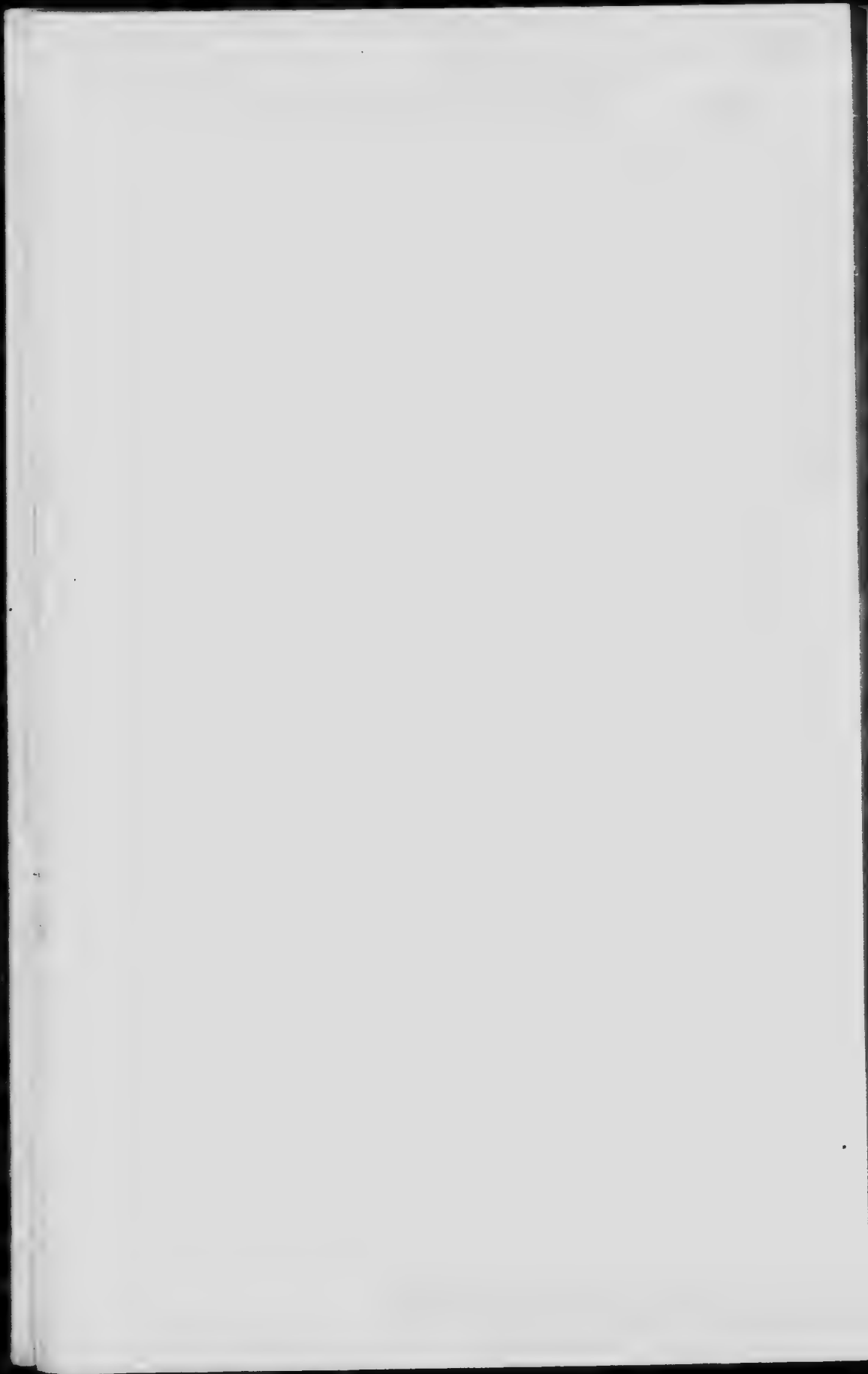
Resolved—That the approbation of the Judges of the Supreme Court of Newfoundland is in no wise necessary to the validity of any Resolutions, Rules, Regulations, or Bye-laws made and passed by Convocation, except when such rules and regulations be made and passed by Convocation, in reference to the following subjects, viz.:—

- (a) Rules and Regulations in reference to the examination of persons applying to be examined for the purpose of entering into Articles of Clerkship:
- (b) Rules and Regulations in reference to the conducting of examinations of Articled Clerks applying to be examined for their

intermediate or final certificate in order to their admission
as Solicitors:

- (c) Rules and Regulations in reference to the articles and service,
and certificates required by law to be produced by persons
before admission as Solicitors:
- (d) Rules and Regulations in reference to the fitness and capacity
of persons thus applying for admission as Solicitors:
- (e) Rules and Regulations as to the nomination and appointment by
the Society of examiners to conduct such examinations:

Otherwise the authority of the said Judges as visitors does not extend to the control of any of the proceedings of Convocation.



THE RULES

PASSED BY

The Law Society of Newfoundland

WITH THE APPROBATION OF THE JUDGES OF THE SUPREME COURT OF JUDICATURE AS VISITORS OF THE SAID SOCIETY, SO FAR AS ANY OF THE SAID RULES IS OR ARE SUBJECT TO APPROVAL OR DISAPPROVAL BY THE VISITORS.

Passed in Convocation on the 29th day of January, A. D., 1918.

By the Benchers of the Law Society of Newfoundland, with the approbation of the Judges of the Supreme Court of Judicature, as Visitors of the said Society, it is ordained as follows:—

THE RULES.

1. All former Resolutions, Rules, Regulations, Orders and By-laws of the Society are hereby repealed.

THE SOCIETY.

2. The permanent seat of the Society shall be at the Rooms of the Society in St. John's.

3. The Seal of the Society heretofore in use shall be and continue to be the Seal of the Society, and shall bear the following device as heretofore, viz.: A whole figure of Justice standing on a rock, with the motto inscribed on a ribbon thereunder "Pro lege, rege, grege" with the legend around the borders of the said Seal "The Law Society of Newfoundland."

4. The custody of the Seal of the Society shall belong to the Secretary for the time being, who shall sign or countersign every instrument to which he shall affix such seal, and shall hand over such seal to his successor.

5. The terms of the Society shall be as follows:—Fall Term, commencing the first Monday in October and lasting one week; Winter Term commencing the fourth Monday in January and lasting one week; Spring Term, commencing the first Monday in April and lasting one week; Summer Term commencing the fourth Monday in June and lasting one week.

THE RULES OF THE LAW SOCIETY.

ROLLS AND OTHER ARCHIVES.

6. A common roll shall be kept on parchment, on which shall be entered the names of all the members of the Society according to the period of their several admissions.

7. A Barristers' roll shall also be kept, in which shall be entered the names of Barristers, who shall have seniority according to the dates of their several admissions.

8. When and so often as it shall be necessary to attach an additional piece of parchment to the rolls of the Society, such addition shall be made in the presence of at least five members present in convocation, and the Seal of the Society shall be affixed thereto.

9. The Secretary shall, during his term of office, safely keep the rolls and archives of the Society.

10. No alteration or addition shall be made in or upon the rolls of the Society, except under the authority of Convocation.

CONVOCATION.

11. Any five Benchers shall be a quorum except for the purposes mentioned in Rules 35 and 83.

12. In case a quorum of five benchers shall not be present at any meeting of Convocation, the Benchers present, being not less than four, may, after the lapse of thirty minutes beyond the hour appointed for the meeting, proceed in the name and on behalf of the Society to dispose of any application for examination of a person applying to be examined in order to enter into articles as an Articled Clerk, or for admission in the books as a Student-at-law, or of any application for intermediate examination or for certificate of fitness or for call by any person whose petition stands regularly in the order of such day to be proceeded with, and may dispose of such application as such Benchers may deem proper; and the action of such Benchers thereon shall have the like validity and effect as if the same had been disposed of in full Convocation.

13. The Convocation of the Benchers shall be held at the seat of the Society in Term time. Special meetings may at any time be convened at the request of the Treasurer, or upon the requisition of three Benchers. A notice stating the objects of the special meeting shall be sent to each Benchers at least one day previous to the day of meeting, and no other business shall be taken up at such meeting.

14. In default of a quorum after the lapse of thirty minutes beyond

the hour of meeting, the Treasurer, or in his absence the Benchers being the senior Barrister present, may adjourn the meeting of Convocation to any other day in the same term.

15. The proceedings of Benchers in Convocation shall be conducted as nearly as may be according to the ordinary Parliamentary mode.

16. The Secretary shall report to Convocation the name of any elected Benchers who has failed to attend the meetings of Convocation for two consecutive terms, and thereupon the Treasurer, or in his absence the senior Barrister present, shall declare his seat vacant, and the Convocation shall proceed to the co-option of a Benchers in his stead.

17. After any question is put, no further debate thereon shall be allowed, but the contents and the non-contents shall be recorded at the request of any Benchers.

18. The order of proceedings at any ordinary meeting shall be as follows:—

- (1) Reading the minutes of last meeting of Convocation.
- (2) Report of the examiners on the examination of candidates for call considered and disposed of.
- (3) Call of Barristers.
- (4) Report of the examiners on the examination of candidates for admission as Solicitors considered and disposed of.
- (5) Report of the examiners on the Intermediate Examinations considered and disposed of.
- (6) Report of the examiners on the examination of persons applying for examination in order to enter into articles as Articled Clerks, and the admission of Students-at-Law, considered and disposed of.
- (7) Report of any special committee considered and disposed of.
- (8) Petitions received, read and disposed of.
- (9) Communications received, read and disposed of.
- (10) Inquiries.
- (11) Consideration of any other business specially appointed for the term.
- (12) Motions of which previous notice has been given.

(13) Notices of motion.

19. It shall be the duty of the Secretary at each meeting of Convocation to read the minutes of the previous ordinary or special meeting, which, after being approved, shall be signed by the Treasurer or the Chairman *pro tem*.

20. The election of the Treasurer, Secretary, and all other officers, and the co-option of any Benchers shall be by ballot, and by the majority of all votes cast.

COMMITTEES.

21. The Convocation may appoint committees of their number, to consist of not less than three members, on Finance, Legal Education, The Library and Discipline, and on any other department of the work of the Society.

22. Any committee of Convocation may sit in Vacation as well as in Term time, and may adjourn from time to time.

23. Any vacancy in any committee shall be filled up by the committee.

THE TREASURER.

amended 24. ~~On the first meeting of Convocation after every triennial election,~~ a Treasurer shall be elected, who shall hold office until the election of his successor at the first meeting of Convocation succeeding the next triennial election.

25. The Treasurer for the time being shall preside in Convocation, and in his absence the senior Barrister present not being the Secretary.

26. In case of a vacancy in the office of Treasurer, the Benchers present at the first meeting of Convocation next ensuing the occurrence of such vacancy shall, before proceeding to any other business, elect a Benchers to fill the office of Treasurer.

27. The Treasurer shall lay before Convocation in each term a credit and debit statement of account of all moneys received and paid up to such term. Such statement shall show all deposits made in the Bank of the Society to the credit of the Society, and an account of all sums drawn from such Bank: and shall also show all disbursements made, and be accompanied by vouchers for the same, and shall be audited by two of the Benchers.

28. The Savings Bank of Newfoundland shall be the Bank of deposit and account for the Law Society of Newfoundland, and the Treasurer

shall from time to time deposit therein to the credit of the Society all moneys received for and on account of the Society.

THE SECRETARY.

intended
29. On the first meeting of Convocation after every triennial election ~~a Secretary shall be elected who shall hold office until the election of his successor at the first meeting of Convocation succeeding the next triennial election.~~

30. In addition to the duties required of the Secretary by any Statute, he shall keep the minutes of the proceedings in Convocation, and record the names of the Benchers present, make up the journals, convene the meetings of Convocation, conduct all necessary correspondence, prepare all necessary diplomas, certificates and other documents appertaining to his department and perform all other services incidental to the office.

THE LIBRARY.

31. The Convocation shall appoint a Librarian, who shall hold office during the pleasure of Convocation, and shall perform all such duties as may be assigned to him.

32. The Librarian shall have the immediate and general charge of the Library under the superintendence of the Library Committee.

33. It shall be the duty of the Library Committee to assume the general supervision and management of the Library, and to purchase such books therefor as in their judgment may be necessary.

34. (1) The Library shall be kept open for the use of the members of the Law Society on every week day from half past nine o'clock a.m. to one o'clock p.m. and, (except on Saturdays) from half past two o'clock p.m. to five o'clock p.m. or until the Court rises, if sitting at five o'clock, (or after one o'clock on Saturdays), or until such further time as the librarian may permit.

(2) No person shall have right of access to the Library except the Visitors, the members of the Society, and members of the Bar of other countries upon the introduction of a Visitor or a Bencher.

(3) No conversation shall be carried on in the Library.

(4) No book shall be carried out of the Library except under circum-

stances authorized by Convocation, by this section or otherwise.

- (5) It shall be the duty of the Library Committee to procure and place in the Library, from time to time, the reports of the Supreme Court of Judicature in England, and such other books as the Committee shall order.
- (6) The Judges of the Supreme Court of Judicature shall be at liberty to take books from the Library upon application to the Librarian; and any member of the Law Society requiring the use of any book upon the argument of a case before the Supreme Court or Central District Court or a Judge thereof, shall be at liberty to have such book upon application to the Librarian, such book to be returned to its place in the Library immediately after the close of the argument for which it may have been required. Books taken from the Library in pursuance of this rule are in all cases to be returned the same day; and any person taking away books from the Library except upon such application, or failing to return the same in the manner hereby directed, shall forfeit the benefit allowed by this rule, until restored thereto by order of Convocation.
- (7) For the application to the Librarian, mentioned in the preceding subsection, it shall be sufficient to enter the date and hour of such application, the name and volume of the book required, and the name of the person taking the same, in a Register Book which shall be kept in the Library for that purpose. The date and hour of the return of the book shall also be inserted when the book has been returned.
- (8) It shall be the duty of the Librarian, and every member of the Library Committee to enforce, and to report to Convocation any infringement of, the rules of the Society for the regulation of the Library.
- (9) Any Barrister, Solicitor, Student-at-Law, or Articled Clerk infringing any of the foregoing sub-sections shall be fined a sum not exceeding ten dollars, and in the case of the injury, loss or detention of any book or periodical, may in addition be required to restore the volume so injured or detained, or the whole set, if it be one of a set, or to pay the whole value thereof; and upon the continual infringement of any

of the sub-sections, he shall be debarred the use of the Library.

DISCIPLINE.

35. Whenever any complaint in writing shall be made to the Law Society charging any Barrister, Solicitor, Student or Articled Clerk with misconduct, within Sections 37 to 41 of Cap. 87 of the Consolidated Statutes (Third Series) entitled "Of the Law Society, Barristers and Solicitors," it shall be submitted to Convocation at its next meeting, and in case Convocation shall be of opinion that a *prima facie* case has been shown, the matter shall be sent to a Committee of Discipline for investigation; and the said Committee shall thereupon send a copy of the complaint to the party complained of, and shall notify in writing the complainant and the party against whom the complaint has been made, of the time and place appointed for such investigation; and the said Committee shall at the time and place appointed proceed with the investigation, and shall reduce to writing the statements made and evidence adduced by the parties, or such of them as shall appear pursuant to such notice, and shall submit the same, together with all books and papers relating to the matter, with their views thereon, to Convocation, which shall take such action thereon as to Convocation shall seem just and meet; provided that no Barrister shall be disbarred, nor Solicitor declared unworthy to practise, except by a two-thirds majority of Benchers in a Convocation consisting of not less than seven members.

36. In case the parties or any of them fail to appear pursuant to notice, at the time and place appointed, the said Committee may thereupon proceed with the said investigation in their absence. The Committee may, either as to the whole case or as to any particular fact or facts, receive and act upon evidence given by affidavit. Such affidavit shall be sworn in accordance with and be subject to the terms of Order XXXIV. of the rules made under "the Judicature Act." (Consolidated Statutes, Third Series, Cap. 83).

EXAMINATIONS.

37. The Secretary shall post in the Rooms of the Society such a notice specifying the subjects and books from time to time prescribed for the several examinations under these rules as shall be sufficient to give every necessary information to all parties interested.

38. Examiners shall be appointed by Convocation in each Term. It shall be their duty to prepare the papers for, and to superintend and

report upon all examinations required to be had and conducted until the appointment of their successors in the next succeeding term.

39. Examinations shall be held in the week which precedes each term, except in the case of any person applying for examination under Rule 44, who may be examined immediately upon the receipt by the Secretary of his petition.

40. The examiners shall, on the first day of Term next after any examination, report to Convocation the result of such examination.

41. ~~(A)~~ A Candidate who obtains, with the approval of Convocation, at least fifty per cent. of the aggregate number of marks obtainable in any examination, and at least forty per cent. of the number of marks obtainable in each subject, shall receive a Pass Certificate.

42 (u) ~~(A)~~ A Candidate who, in the examination for Certificate of Fitness obtains at least seventy-five per cent. of the aggregate number of marks obtainable in the examination, and at least sixty per cent. of the number of marks obtainable in each subject and who shall show conspicuous merit upon such examination, shall be passed with Honours, and his certificate or diploma shall certify to the fact.

42. (b) 42. A Candidate for Certificate of Fitness who obtains with the approval of Convocation at least seventy-five per cent. of the aggregate number of marks obtainable at such examination, and at least sixty per cent. of the number of marks obtainable in each subject, shall be exempt from examination upon the same subjects upon his application for call.

ADMISSIONS, ETC.

43. No person shall be bound under Articles of Clerkship to serve a Solicitor until he shall have passed a Preliminary Examination to the satisfaction of the Benchers.

44. Any person being desirous of being bound under Articles of Clerkship with a Solicitor of the Supreme Court, in order to his admission as a Solicitor of the said Court, may present a petition addressed to the Benchers of the Society in Convocation, which petition shall contain a statement of the age of the petitioner, the name of the school or college where he received his education, and the subjects therein studied, together with any diploma or certificate he may have obtained during such study. Such petition shall be in the Form II. in Appendix, and shall be left with

the Secretary, who shall report the same at the next ordinary or special meeting of Convocation to be considered and disposed of.

45. Articles of Clerkship and assignments thereof shall be filed with the Registrar of the Supreme Court, as provided by Section 54 of Cap. 87 of the Consolidated Statutes (Third Series), and shall be in the Forms IV. and V. respectively in the Appendix.

46. No person shall be admitted as a Student-at-Law, or examined in order to be bound as an Articled Clerk who is not of the full age of sixteen years.

~~47. Students-at-Law shall be admitted during Term only.~~

48. Notice of the intention of any person to apply for admission as a Student-at-Law, signed by a Benchor, and containing the name, addition and family residence of the candidate, must be delivered to the Secretary of the Society fourteen days before the term in which he seeks admission, (see Form VI. in Appendix).

49. The candidate for admission as a Student-at-Law must be presented by a writing signed by a Benchor in a form approved of by Convocation, (see Form VII. in Appendix).

50. Every candidate for admission as a Student-at-Law shall, at some convenient time previous to the term in which he seeks admission, deposit with the Secretary his presentation and the amount of fees payable on admission, together with his petition for admission, which petition shall be in the terms and shall contain the information required by Form VIII. in the Appendix.

51. In the case of a graduate in the Faculty of Arts or a matriculated student in any of the Universities mentioned in Cap. 87 of the Consolidated Statutes (Third Series) Sec. 50, ss. 2, such graduate or matriculate shall be entitled to admission on the books of the Society as a Student-at-Law, or to receive his certificate permitting him to enter into articles as an Articled Clerk, without further examination by the Society, upon giving the said notice and depositing his presentation, and (or) presenting the said petition and paying the prescribed fee, and presenting his diploma, or a proper certificate of his having received his degree, or of his having passed the said matriculation examination.

52. Any candidate for admission who shall present a certificate of having passed an examination in the subjects and of the standard prescribed by Convocation for the time being, shall be entitled to admission as a Student-at-Law, or to receive his certificate permitting him to enter into

articles as an Articled Clerk without further examination by the Society, on giving the said notice and depositing his presentation and (or) presenting the said petition and paying the prescribed fees.

53. Every candidate who has passed the preliminary examination entitling him to be bound under articles, or to admission as a Student-at-Law, in a manner satisfactory to the Benchers, shall receive a certificate from the Secretary to that effect, in Forms III. and IX. respectively in the Appendix upon payment of the fee therefor.

54. Personal attendance of any applicant for admission as a Student shall be dispensed with.

55. The first day of Term shall be taken to be the admission day of Students-at-Law admitted during such term.

LEGAL EDUCATION.

56. Any association formed from the members of the Law Society, whose subjects shall be the extension of the legal knowledge and the cultivation of the powers of reasoning, speech and composition of the members, by the delivery of lectures on some of the more important branches of the law, by the preparation and reading of essays, and by arguments on legal questions, may apply to be recognized by the Law Society as an association within the meaning of these rules.

57. Any such association shall with its application, transmit to the Law Society a copy of its rules and a list of members, and the Law Society may approve, alter, or add to such rules.

58. The association shall report to Convocation, on the first day of Spring Term in each year, on the operations of the previous year.

INTERMEDIATE EXAMINATIONS.

inserted 59.—Every Articled Clerk shall during his term of service pass four Intermediate Examinations. An interval of ~~one year~~ ^{four terms} shall elapse between the passing of the Preliminary examinations and the application for admission to the first Intermediate Examination. An interval of at least ~~six months~~ ^{two terms} shall elapse between the other examinations up to and including that for Certificate of Fitness.

(1) No candidate shall be admitted to any examination until he shall have passed all preceding examinations.

(2) If a candidate fail in any examination, he may again apply for examination in the following term of the Society.

60. Every Articled Clerk shall, fourteen days before any term in which he shall desire to be examined, deliver to the Secretary of the Society a petition in the form approved of by the Society (Form X in Appendix) stating his desire to present himself for such examination. The acknowledgment of the receipt of such petition by the Secretary, endorsed on such petition, shall be sufficient warrant to the examiners to proceed with the examination.

61.—The examiners shall report to Convocation at its next meeting the result of the said examination.

62. Every Articled Clerk, upon passing any Intermediate Examination in a manner satisfactory to Convocation, shall be entitled to a certificate to such effect in the Form in the Appendix.

CERTIFICATE OF FITNESS, ETC.

63. Every candidate during the term preceding the term in which he intends to present himself for a Certificate of Fitness shall post in the Rooms of the Society a written notice, signed by such candidate and initialled by a Benchers, of his intention to apply for such certificate. Such notice shall be in Form XII. in Appendix.

64. All applications for Certificate of Fitness for admission as a Solicitor shall be by petition addressed to the Benchers of the Society in Convocation, which petition shall contain a statement of the age of the applicant, the date of his Articles of Clerkship, and the date of their filing and expiry, the dates of any assignments, the dates when he passed the several Intermediate Examinations, the names of the books which he has particularly studied, and the names of the Solicitors to whom he was articled; and every such petition, together with the documents required by Cap. 87 aforesaid, and the fees payable to the Society thereunder, or under the rules of the Society, shall be left with the Secretary of the Society at least fourteen days before the term in which such petition is to be presented; and the Secretary's receipt for such fees shall be sufficient authority to the examiners to examine the applicant, although the term of service of such applicant shall not expire until a date during the ensuing term. Such petition shall be in the Form XIII. in the Appendix.

65. Every candidate for a Certificate of Fitness as a Solicitor shall, with his petition for certificate, leave with the Secretary of the Society answers to the several questions set forth in Schedule A of this Rule, and also answers to the questions set forth in Schedule B of this Rule, signed by the Solicitor with whom such candidate has served his clerkship, together with the certificate in the said last mentioned Schedule also contained.

SCHEDULE "A."

The following questions are to be answered by the clerk himself:—

1st. What was your age at the date of your articles?

2nd. Have you served the whole term of your articles at the office where the Solicitor or Solicitors to whom you were articulated or assigned carried on his or their business? And, if not, state the reason.

3rd. Have you, at any time during the term of your articles, been absent without permission of the Solicitor or Solicitors to whom you were articulated or assigned? And, if so, state the length and occasion of such absence.

4th. Have you, during the period of your articles, been engaged or concerned in any profession, business or employment other than your professional employment as Clerk to the Solicitor or Solicitors to whom you were articulated or assigned?

5th. Have you, since the expiration of your articles, been engaged or concerned, and for how long a time, in any, and what, profession, trade, business or employment, other than the profession of a Solicitor.

SCHEDULE "B."

The following questions are to be answered by the Solicitor with whom the clerk may have served any part of the time under his articles:—

1st. Has A. B. served the whole term of his articles at the office where you carry on business? And, if not, state the reason.

2nd. Has the said A. B. at any time during the term of his articles, been absent without your permission? And, if so, state the length and occasion of such absence.

3rd. Has the said A. B., during the period of his articles, been engaged or concerned in any profession, business or employment other than his professional employment as your Articled Clerk?

4th. Has the said A. B., during the whole term of his clerkship. (with the exceptions above-mentioned), been faithfully and diligently employed in your professional business of a Solicitor?

5th. Has the said A. B., since the expiration of his articles, been engaged or concerned, and for how long a time, in any and what profession, trade, business, or employment other than the profession of a Solicitor?

And I do hereby certify that the said A. B. has duly and faithfully served under his Articles of Clerkship (*or assignment as the case may be*), bearing date, etc., for the term therein expressed; and that he is a fit and proper person to be admitted as a Solicitor.

66. If the truth of any statements or allegations contained in any petition, certificate or other document having reference to the application of an Articled Clerk for a Certificate of Fitness or of a Student-at-Law for call to the degree of Barrister at Law shall be challenged by any member of the Society, nothing in these rules contained shall be construed to prevent Convocation from enquiring in any manner whatever as to the correctness of such statements or allegations.

67. No candidate for Certificate of Fitness who shall have omitted to leave his petition and all his papers and fees with the Secretary fourteen days before the term, as by the rules required, shall be admitted except after report upon a petition by him presented praying relief on special grounds, subject however to the next succeeding rule.

68. In case any such candidate at the time of leaving his petition for Certificate of Fitness and papers with the Secretary of the Society, as hereinbefore provided, proves to the satisfaction of the said Secretary that it has not been in his power to procure the answers to the questions contained in the said Schedule B, or the certificate of service therein also contained, from the Solicitor with whom he may have served any part of the time under his articles, the said Secretary shall state such circumstances especially in his report to Convocation on such candidate's petition.

69. The Secretary shall report upon the petition of every candidate for Certificate of Fitness and such report together with the petitions and documents to which they refer shall be laid on the table of Convocation on the first day of Term; he shall also make a supplementary report upon the Articles of Clerkship, when received by him, of applicants whose term of service expires during Term.

70. No candidate shall receive a Certificate of Fitness unless he be of the full age of twenty-one years, nor without having been previously examined. Certificates of Fitness shall be in Form XIV. in Appendix.

71. In the computation of time entitling Students or Articled Clerks to pass examinations for Certificates of Fitness or for Call to the Bar, examinations passed before or during Term shall be construed as passed at the actual date of the examination or as of the first day of Term whichever shall be most favorable to the Student or Clerk.

CALL.

72. No Student-at-Law upon the books of the Society shall be called to the Bar until he shall have been five years, or, if admitted on the books of this Society as a graduate, three years, or, as a matriculate, four years, upon the books; and no such candidate shall be called to the Bar until he shall have been admitted as a Solicitor of the Supreme Court and have practised for twelve months as such Solicitor, nor without having been previously examined, save as provided by Rule 42.

73. Every candidate for Call to the Bar must cause a written notice in the form approved of by the Society, (Form XV. in Appendix) signed by a Benchler, of his intention to present himself for Call, to be given to the Secretary on or before the first day of the term preceding the term in which he intends so to present himself.

74. The Secretary shall, on the first day of Term, make a report in writing to Convocation, stating:—

- (1) That notice of presentation has been properly given for the candidate.
- (2) The date of admission of the candidate.
- (2) Whether the candidate was admitted as a graduate or as a matriculate, and
- (4) That the candidate has been admitted as a Solicitor of the Supreme Court.

75. Every candidate for Call to the Bar must be presented to Convocation by an instrument in writing signed by a Benchler (See Form XVI. in Appendix) and shall previous to his Call to the Bar give a bond to the corporation in the penal sum of four hundred dollars with two responsible sureties to be approved of by the Secretary, with a condition in the terms and to the effect of Form XVII. in the Appendix.

76. Every candidate shall, fourteen days before the term in which he desires to be called, deposit with the Secretary his bond, presentation, and also his petition for Call (Form XVIII. in Appendix) which petition shall contain a statement of his age, of the day on which the period of his standing on the books necessary to entitle him to be called to the Bar expired or will expire, and the date of his admission as a Solicitor; and shall also at the same time and place deposit the amount of fees payable under these Rules.

77. The Secretary's receipt for such fees shall be sufficient to entitle the candidate to appear before the examiners and to be by them examined for Call, although the period of standing on the books entitling such candidate to present himself shall not expire until a date during the ensuing term.

78. Every person, upon his being called to the Bar, shall appear before Convocation, in the costume of a Barrister appearing in Court, for the purpose of his being presented to the Supreme Court, and he may be so presented by any Benchers present in Court.

79. The diploma of Barrister at Law of the Society shall be in Form XIX. in the Appendix and shall be signed by the Treasurer.

FEES.

80. The following fees shall be paid to the Treasurer for the purposes of the Law Society:—

By every applicant with his petition for Preliminary Examination before entry into articles	\$2 50
do do who has to be examined, with his petition for Preliminary Examination	10 00
do do for certificate of examination	5 00
By every Articled Clerk with his petition for every Intermediate Examination	2 50
do do for certificate of every Intermediate Examination	5 00
By every candidate with his petition for Certificate of Fitness	2 50
do do for Certificate of Fitness	5 00
do do with petition for admission as Student-at-Law	2 50
do do on admission as Student-at-Law	50 00
do do for certificate of admission	5 00
do do with petition for Call to the Bar	2 50
do do on admission to the Bar	100 00
do do for diploma	5 00
By every person enrolled as a Solicitor under Consolidated Statutes, Third Series, Cap. 87, Sec. 53, sub-sections 4 to 7, in lieu of all fees to date of enrolment.	150 00

By every Barrister admitted under Consolidated Statutes Third Series, Cap. 87, Sec. 50	150 00
For every other certificate not herein specified	5 00
By Solicitors for annual certificate to practise. (Form XX.)	15 00
By Solicitors (being Barristers of the rank of King's Counsel) for annual certificate to practise	25 00
By Solicitors, whose place of business is outside St. John's, for annual certificate to practise.....	5 00
By every Articled Clerk—An annual fee payable in January of each year during his clerkship ...	5 00

81. The following fees are payable to the Registrar of the Supreme Court for the Law Society under Sec. 62 of Cap. 87 of the Consolidated Statutes (Third Series), viz.:—

On filing articles	\$5 00
On filing assignments (if any)	2 50
For every affidavit	50
For every certificate	2 50
For every fiat for admission	5 00
For every writ, whether <i>mesne</i> or <i>final</i> , issued by a Solicitor out of the Supreme Court in St. John's	25

82. A writ in the next preceding rule shall include an originating summons.

83. ~~These rules shall not be altered, amended, added to or suspended except with the consent of two-thirds of the whole number of Benchers, and unless notice of such proposal, alteration, amendment or suspension shall have been given at a previous meeting of Convocation.~~

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APPENDIX

FORM I.

NOTICE OF MEETING.

Law Society of Newfoundland.

St. John's, N. F.,

19...

.....
SIR,—A meeting of the Benchers of the Law Society of Newfound-
land will be held in the Rooms of the Society in the Court House, on
..... the day of A. D., 19..

.....,
Secretary.

FORM II.

PETITION FOR ~~PRELIMINARY~~ EXAMINATION.

To the Benchers of the Law Society of Newfoundland in Convocation.

The Petition of C. D. (*Christian and Surname in full, no initials*)
Gentleman, son of G. D. of the same place, Merchant, (*or as the case may*
be), most respectfully sheweth: That your petitioner is of the full age of
..... years; That he has received an education which he trusts
sufficiently qualifies him to commence the study of the profession of the
Law; That he received his education at (the University of Oxford, *or the*
school of G. A., at Z., or as the case may be, being as full and particular
as possible); That in the course of such instruction he has read the fol-
lowing books, that is to say, (*as the case may be*); That your
petitioner is desirous of being bound under Articles of Clerkship with H.
a practising Solicitor of the Supreme Court, in order to his admission as
a Solicitor of the said Court.

Your petitioner, therefore, most respectfully prays that his qualifica-
tions being first examined and found sufficient according to the Rules of
the Society in that behalf, he may be permitted to bind himself in manner
aforesaid, and to become an Articled Clerk.

The day of A. D., 19...

C. D.

FORM III.
CERTIFICATE FOR ENTERING UNDER ARTICLES.*Law Society of Newfoundland.*

These are to certify that C. D. of E., Gentleman, having complied with the Rules in that behalf has been, by the Benchers of the Law Society of Newfoundland in Convocation, on the day of A. D., 19.. found qualified to be bound under Articles of Clerkship with a practising Solicitor of the Supreme Court, in order to his admission as a Solicitor of the said Court.

In testimony whereof, I, Secretary of the said Society have to these presents affixed the seal of the said Society at St. John's, this day of in the year of our Lord one thousand nine hundred and and in the year of His Majesty's reign.

.....
Secretary.

FORM IV.
ARTICLES OF CLERKSHIP.

ARTICLES OF AGREEMENT made the day of in the year of our Lord 19.., between A. A. of Gentleman, (*the father or guardian*) of the first part, B. A. (*the clerk*) (son of the said A. A.) of the second part, and S. S. (*the Solicitor*), of Gentleman, one of the Solicitors of the Supreme Court of Judicature of the third part.

WITNESS that the said B. A. of his own freewill, (and with the consent and with the approbation of the said A. A., testified by his execution of these presents), hath placed and bound himself, and by these presents doth place and bind himself clerk to the said S. S. to serve him from the day of the date hereof during and until the full end and term of years then next ensuing.

AND the said A. A. doth hereby for himself, his executors and administrators, covenant with the said S. S. his executors, administrators and assigns, that the said B. A. shall and will well, faithfully and diligently serve the said S. S. as his clerk in the practice or profession of a Solicitor of the Supreme Court from the date hereof, during and unto the full end of the hereinbefore mentioned term; **And that the said B. A. shall not at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, moneys, chattels, or other property of the said S. S., his execu-**

tors, administrators or assigns or of his partner or partners, or of any of his clients, or employers; And that in case the said B. A. shall act contrary to the last-mentioned covenant, or if the said S. S., his executors, administrators or assigns, or his partner or partners, shall sustain or suffer any loss or damage by the misbehaviour, neglect, or improper conduct of the said B. A., the said A. A., his executors or administrators, shall indemnify the said S. S., and make good and reimburse him the amount or value thereof; And further, that the said B. A. will at all times keep the secrets of the said S. S. and his partner or partners, and will at all times during the said term readily and cheerfully obey and execute his or their lawful and reasonable commands; and shall not depart or absent himself from the service or employ of the said S. S. at any time during the said term without his consent first obtained, and shall from time to time, and at all times during the said term, conduct himself with all due diligence, honesty and propriety; And the said B. A. doth hereby covenant with the said S. S., his executors, administrators, and assigns, that he, the said B. A. will truly, honestly and diligently serve the said S. S. at all times during the said term, as a faithful clerk ought to do, in all things whatsoever, in the manner above specified.

In consideration whereof and of paid by the said A. A., (the receipt whereof the said S. S. doth hereby acknowledge), the said S. S. for himself, his executors and administrators, doth hereby covenant with the said A. A., that the said S. S. will accept and take the said B. A. as his clerk; And also that the said S. S. will, by the best ways and means he may or can, and to the utmost of his skill or knowledge, teach and instruct, or cause to be taught or instructed, the said B. A., in the said practice or profession of a Solicitor of the Supreme Court, which the said S. S. now doth or shall, at any time hereafter during the said term, use or practise; And also will, at the expiration of the said term, use his best means and endeavours, at the request, costs and charges of the said A. A. and B. A., or either of them, to cause and procure him the said B. A. to be admitted as a Solicitor of the Supreme Court, provided the said B. A. shall have well, faithfully and diligently served his said intended clerkship.

IN WITNESS WHEREOF the parties to these presents have hereunto set their hands and seals, the day and year first above mentioned.

Signed, sealed and delivered by the
within named parties, in the presence
of W. F.

A. A. (L.S.)
B. A. (L.S.)
S. S. (L.S.)

NOTE.—Where the person about to be articulated has attained his majority his father or guardian is not a necessary party to the instrument.

NEWFOUNDLAND, I,
 St. John's,) of the of
 To Wit:) make oath and say;

1. That I was personally present, and did see the within Instrument and Duplicate thereof duly signed, sealed, and executed by the part thereto;
2. That the said Instrument and Duplicate were executed at
3. That I know the said parties.
4. That I am a subscribing witness to the said Instrument and Duplicate.
5. That the said Instrument and Duplicate were executed as aforesaid on the day of 19...

SWORN before me, at
 this day of
 in the year of our Lord, 19... }

.....
 A Commissioner for taking affidavits in S. C., etc.

FORM V.

ASSIGNMENT OF ARTICLES.

THIS INDENTURE made etc., Between S. S. of etc., of the first part; A. A., of etc., and B. A., of etc., of the second part; and N. M., of etc., a Solicitor of the Supreme Court of Newfoundland, of the third part.

WHEREAS (*recite articles of clerkship*). Now etc., in consideration of the covenants on the part and behalf of the said N. M., hereinafter mentioned, he the said S. S., at the request and by and with the consent and approbation of the said A. A. and B. A., testified by their being parties to and executing these presents, doth hereby assign, transfer and set over unto the said N. M., his executors, administrators and assigns, as well the said recited articles and all benefit whatsoever to be had or made thereof as also all the right, interest, property, profit, advantage, claim and demand whatsoever, and howsoever to arise, to be had or made to him the said S. S., from henceforth of the service of the said B. A. during the now residue of the said term of years by force or virtue of the said recited articles, or otherwise howsoever (*Covenant by A. A. with N. M., and B. A. with N. M., see Articles, Form IV.*) In consideration whereof he the said N. M. for himself etc., doth hereby covenant etc., with the said A. A. in manner etc., that he the said N. M. shall and will at all times during the

said residue of, etc., in the best manner he can, instruct the said B. A. as his clerk in the business of a Solicitor etc. And lastly, each of them, the said S. S. and N. M. doth hereby severally covenant with the said A. A., that they, the said S. S. and N. M., at the request, cost and charges of the said A. A. and B. A. at any time after the expiration of the said term of years shall and will severally certify the respective times of service of him the said B. A. with them the said S. S. and N. M., according to the rules in such case made and provided, and also to procure admittance of B. A., etc. (*see Articles, Form IV.*) In witness &c.

FORM VI.

NOTICE OF PRESENTATION FOR ADMISSION.

Newfoundland, St John's.

Mr. A. B. (*some Benchers*) gives notice that C. D. (*names in full, no initials*), of E., Gentleman, son of G. D., of the same place, Merchant (*or as the case may be*), will next term be presented to the Benchers of this Society in Convocation, for the purpose of being entered and admitted as a Student-at-Law.

The day of A. D., 19...

A. B.

FORM VII.

PRESENTATION FOR ADMISSION.

Newfoundland, St John's.

To the Benchers of the Law Society of Newfoundland in Convocation.

GENTLEMEN.—I hereby present to Convocation, C. D., (*names in full, no initials*), of E., Gentleman, son of G. D., of the same place, Merchant, (*or as the case may be*), for the purpose of his being entered and admitted as a Student-at-Law.

The day of A. D., 19...

I. J. (Benchers).

FORM VIII.

PETITION FOR ADMISSION AS STUDENT-AT-LAW.

To the Benchers of the Law Society of Newfoundland in Convocation.

The petition of C. D., (*Christian name and Surname at length, no initials*), of E., Gentleman, son of G. D., of the same place, Merchant (*or as the case may be*), most respectfully sheweth.—That your petitioner is of the full age of years; That he received an education which he trusts sufficiently qualifies him to commence the study of the profession of the

Law: That he has received his education at (the University of Oxford, or the school of G. A., at Z., or as the case may be, being as full and particular as possible). That in the course of such instruction he has read the following books, that is to say, (as the case may be). That your Petitioner is desirous of becoming a member of the Law Society of Newfoundland, and of being entered thereof as a Student-at-Law.

Your Petitioner, therefore, most respectfully prays that his qualifications being first examined and found sufficient, according to the Rules of the Society in that behalf, he may be admitted and entered accordingly; and he doth hereby undertake and promise that he will well, faithfully and truly submit and conform himself to, and obey, observe, perform, fulfil and keep all the Rules, Resolutions, Orders and Regulations of the Society during such time as he shall continue on the books of the said Society as a member thereof.

The day of A. D., 19...

C. D.

FORM IX.

CERTIFICATE OF ADMISSION.

Law Society of Newfoundland.

These are to certify that C. D., of E., Gentleman, having complied with the Rules in that behalf, was by the Benchers of the Law Society of Newfoundland in Convocation, on the day of in the Term in the year of our Lord one thousand nine hundred and duly admitted into the said Society as a member thereof, and entered as a Student-at-Law, taking precedence as such in this Society next immediately after Mr. Y. R., and that he now remains on the books of the said Society as a member thereof.

In testimony whereof, I, Secretary of the said Society, have to these presents affixed the Seal of the said Society, at St. John's, this day of A. D., 19.. and in the year of His Majesty's reign.

.....

Secretary.

FORM X.

PETITION FOR ANY INTERMEDIATE EXAMINATION.

To the Benchers of the Law Society of Newfoundland in Convocation.

The petition of C. D. most respectfully sheweth.—That your Petitioner is an Articled Clerk to H., a practising Solicitor of the Supreme

Court. That his Articles of Clerkship were dated and executed on the.... day of 19... That he has particularly studied the following books, that is to say (*those mentioned in the Law Society Curriculum for the said Intermediate Examination*), and that he is desirous of presenting himself for the Intermediate Examination and of receiving a Certificate of having passed the same.

Your Petitioner, therefore, most respectfully prays that his qualifications being first examined and found sufficient according to the Rules of the Society in that behalf, he may receive a certificate of having passed the Intermediate Examination.

The day of 19...

C. D.

FORM XI.

CERTIFICATE OF ANY INTERMEDIATE EXAMINATION.

Law Society of Newfoundland.

These are to certify that C. D., of E., Gentleman, having complied with the Rules in that behalf, was on the day of 19... examined by the Benchers of the Law Society of Newfoundland, on the subjects of the Intermediate Examination of the Society, and that he passed such examination.

In testimony whereof, I, Secretary of the said Society, have to these presents affixed the Seal of the said Society at St. John's, this day of A. D., 19.. and in the year of His Majesty's reign.

.....
Secretary.

FORM XII.

NOTICE OF APPLICATION FOR CERTIFICATE OF FITNESS.

Law Society of Newfoundland.

Mr. C. D. (*name in full*), of E., Articled Clerk, gives notice that he has received his professional education under the superintendence of H., a practising Solicitor of the Supreme Court, and that he will at the next Term apply to the Benchers of this Society in Convocation for a Certificate of Fitness, in order to his admission as a Solicitor of the Supreme Court of Newfoundland.

The day of A. D., 19...

C. D.

FORM XIII.

PETITION FOR CERTIFICATE OF FITNESS.

To the Benchers of the Law Society of Newfoundland in Convocation.

The Petition of most respectfully sheweth—

That your petitioner is of the full age of years; That he has received a professional education, which he trusts sufficiently qualifies him to commence the practice of the profession of the Law; That he received his professional education under the superintendence of H., a Solicitor of the Supreme Court of Newfoundland; That his Articles of Clerkship were dated and executed on the day of 19.. and were duly filed on the day of 19...; That he passed the First, Second, Third and Fourth Intermediate Examinations on the day of A. D., 19.. the day of 19... the day of 19.. and the day of 19... respectively. That he has particularly studied the following branches of the Law, that is to say (*those mentioned in the Law Society Curriculum*). That in the course of such study he has read the following works: that is to say (*those mentioned in the Law Society Curriculum*), That his Articles of Clerkship expire on the day of 19..., and that he is desirous of receiving a Certificate of Fitness in order to his admission as a Solicitor of the Supreme Court of Newfoundland.

Your Petitioner, therefore, respectfully prays that, his qualifications being first examined and found sufficient according to the Rules of the Society in that behalf, he may receive a Certificate of Fitness accordingly.

The day of A. D., 19..

C. D.

FORM XIV.

CERTIFICATE OF FITNESS.

Law Society of Newfoundland.

These are to certify that C. D. of E., Gentleman, has after due examination and enquiry satisfied the Benchers of the Law Society that he has duly served under contract in writing with a practising Solicitor of the Supreme Court of Newfoundland, and has complied with the provisions of Cap. 87 of the Consolidated Statutes (Third Series) entitled "Of the Law Society, Barristers and Solicitors," in that behalf, and that he is fit, competent, and in all respects qualified to be admitted as a Solicitor of the Supreme Court.

In testimony whereof, I, Secretary of the said Society, have

to these presents affixed the Seal of the said Society at St. John's, this ... day of A.D., 19.., and in the year of His Majesty's reign.

.....
Secretary.

FORM XV.

NOTICE OF PRESENTATION FOR CALL.

Law Society of Newfoundland.

Mr. A. B. (*some Bencher*) gives notice that C. D., (*names in full*) a Member of this Society, who is now standing on the books as a Student-at-Law, and who has received his professional education under I. J., Esq., one of the Members of this Society, of the Degree of Barrister-at-Law, will, next Term, be presented to the Benchers of this Society in Convocation for the purpose of being called to the Bar.

The day of A. D., 19..

A. B.

FORM XVI.

PRESENTATION FOR CALL.

To the Benchers of the Law Society of Newfoundland in Convocation.

GENTLEMEN.—I hereby present to Convocation C. D., (*names in full*) a Member of this Society, who is now standing on the books as a Student-at-Law, and who has received his professional education under my superintendence, (*or under the superintendence of K. L. and M. N., Esqrs., Members of this Society, of the Degree of Barrister-at-Law*), for the purpose of his being called to the Degree of Barrister-at-Law.

The day of A. D. 19..

I. J. (Bencher).

FORM XVII.

BOND.

KNOW ALL MEN by these presents, that we C. D., (*names in full*) of E., Gentleman, a Member of the Law Society of Newfoundland, now standing on the books of the said Society as a Student-at-Law, and Z. D., of E., merchant, and V. N., of T., planter, are jointly and severally held and firmly bound to the Law Society of Newfoundland in the penal sum of four hundred dollars of lawful money of Newfoundland to be

paid to the said Society: for which payment to be well and truly made we bind ourselves, and each of us binds himself, our, each and every of our executors and administrators, firmly by these presents. Sealed with our seals. Dated this day of in the year of His Majesty's reign, and in the year one thousand nine hundred and

The condition of this obligation is such that if the above bounden C. D. (*names in full*) shall and will well and truly pay, or cause to be paid to the Law Society of Newfoundland aforesaid, all such fees and dues of what nature or kind whatsoever, as now are due or payable by or from him to the said Society, by or under any statute or by any rule, resolution, order or regulation of the said Society, passed by the said Society, or by the Benchers thereof, with the approbation of the Judges of the Supreme Court, as Visitors of the said Society, or which shall or may hereafter become due or payable by or for him to the said Society, under the same or any other statute or by the same or any other rule, resolution, order or regulation passed or to be passed by the Benchers of the said Society in Convocation with such approbation as aforesaid; and also do and shall moreover well, faithfully and truly obey, observe, perform, fulfil and keep all the rules, resolutions, orders and regulations of the said Society, passed as aforesaid and now in force, or hereafter to be passed, as aforesaid, during such time as he shall continue on the books of the said Society as a member thereof, then this obligation shall be void, otherwise the same shall be and remain in full force, virtue and effect.

Sealed and delivered in presence of

A. B.

C.D. (L.S.)

Z. D. (L.S.)

V. N. (L.S.)

FORM XVIII.

PETITION FOR CALL.

Law Society of Newfoundland.

To the Benchers of the Law Society of Newfoundland in Convocation.

The petition of C.D. (*Christian name and surname at length, no initials*), of E., Gentleman, son of G.D., of the same place, Merchant, (*or as the case may be*), and a Member of this Society, now standing on the books as a Student-at-Law, most respectfully sheweth,—That your petitioner is of the full age of years: That he has received a professional education which he trusts sufficiently qualifies him to commence the practice of the profession of the law: That he was admitted upon the books of the Society as a Student-at-Law in the Term 19....; That he has received his professional education under the superintendence of J. K., a member

of this Society of the degree of Barrister-at-Law; That he has, since his admission into the Society, passed the First, Second, Third and Fourth Intermediate Examinations in the Term 19.., the Term 19 .., the Term 19..., and the Term 19.., respectively; That he was duly admitted a Solicitor of the Supreme Court of Newfoundland in the Term ..; That he has, since his admission into the Society, pursued the following branches of general learning, that is to say, (*as the case may be*).

That in the course of such pursuit he has read the following works, that is to say, (*as the case may be*).

That he has particularly studied the following branches of the Law, that is to say, (*as the case may be*).

That in the course of such study he has read the following works, that is to say, (*as the case may be*).

That he is under no Articles of Clerkship of any kind whatsoever to any person; and that he is desirous of being called to the degree of Barrister-at-Law.

Your Petitioner, therefore, most respectfully prays that, his qualifications being first examined and found sufficient according to the Rules of the Society in that behalf, he may be called to the said degree accordingly; and he doth hereby undertake and promise that he will faithfully and truly submit and conform himself to, obey, observe, fulfil and keep all the rules, resolutions, orders, and regulations of the said Society, during such time as he shall continue on the books of the said Society as a member thereof.

The day of A. D. 19..

C.D.

FORM XIX.

DIPLOMA OF BARRISTER-AT-LAW.

Law Society of Newfoundland.

Be it remembered that C. D. of E. Gentleman, son of G. D., of the same place, Merchant (*or as the case may be*), was by the Benchers of the Law Society of Newfoundland in Convocation, on the day of in the year of our Lord one thousand nine hundred and, duly called to the degree of Barrister-at-Law, and that he now remains on the books of this Society as a Barrister thereof.

In testimony whereof I Treasurer of the said Society have

to these presents caused to be affixed the Seal of the said Society at the Seat of the said Society at St. John's, Newfoundland this day of A. D., 19.. and in the year of His Majesty's reign.

.....
President-Treasurer of the Law Society of Newfoundland.

FORM XX.

ANNUAL CERTIFICATE TO PRACTISE.

Law Society of Newfoundland.

These are to certify that of, a Solicitor of the Supreme Court, has paid all fees and dues payable to the Law Society of Newfoundland to this date, by virtue whereof he is entitled to practise as a Solicitor in all courts of civil or criminal jurisdiction in this Colony from the date hereof until the day preceding the first Monday in January of the year 19.. both days inclusive, and no longer.

In testimony whereof I Secretary of the said Society have to these presents affixed the Seal of the said Society at the Seat of the said Society in St. John's, Newfoundland this day of A. D., 19.. and in the year of His Majesty's reign.

.....
Secretary of the Law Society of Newfoundland.

passed Summer Term 1924

NEW RULES, AMENDMENTS, ETC.

page 14 S. S. Rules

Rule 41 (1) be renumbered 41
41 (2) + 42 be stricken out and
the following substituted.

42. (a). A candidate who obtains
at the examination for Certificate of
Fitness to practice as a Solicitor &
to be called to the Bar at least sixty
per cent. of the aggregate marks obtainable
in the examination and at least
fifty per cent. of the number of marks
obtainable in each subject, shall
receive a Pass Certificate.

42. (b) A candidate who obtains
at least seventy-five per cent. of the
aggregate number of marks obtainable
in the examination and at least
sixty per cent. of the number of
marks obtainable in each subject
and who shall show conspicuous
merit, shall be passed with Honours
and his Certificate or Diploma
shall certify to the fact.

Rule 47 be stricken out and the
following substituted.

The petitions of (1) Candidates for
leave to enter under Articles and
(2) to be admitted as a student of
Law shall be considered & disposed
of term only & during the same term.

Summer Term 1924 passed

NEW RULES, AMENDMENTS, ETC.

Rule 72. That the words "and have practised for twelve months as Solicitor nor without having been previously examined except as provided by Rule 47" be stricken out.

Rule 83. be stricken out and the following substituted.

83 These rules shall not be altered, amended, added to or suspended except with the consent of (1) a majority of the whole number of Benchers; and (2) two thirds of the whole number of elected Benchers; and unless notice of such proposal, alteration, amendment or suspension shall have been given at a previous meeting of Convocation

Fall Term 1928

Articled clerks & Students at Law shall be admitted only at the Convocation held at the Fall Session.

They shall be examined at examinations held immediately preceding the Spring & Fall Term of Convocation.

CURRICULUM.

The Benchers of the Law Society prescribe the following subjects and books for examination, but they reserve to themselves the right, from time to time, upon suitable notice, of substituting others for those now named, and of adding to their number.

PRELIMINARY.

The subjects of the Preliminary Examination shall be those prescribed by the Council of Higher Education for their ~~Junior Associate Grade Examination~~. A candidate must secure at least fifty per cent. of the aggregate marks obtainable in each subject.

FIRST INTERMEDIATE.

Pollock: First Book of Jurisprudence.
Indermaur: Principles of Common Law.
Dicey: Law and Custom of the Constitution.

SECOND INTERMEDIATE.

Walpole: Rubric of the Common Law.
Indermaur: Principles of Equity.
Topham: Company Law.
Foa: Landlord and Tenant.

Consolidated Statutes (Third Series):—

Cap. 109 "Of Chattels Real."

89 "Of the Limitation of Actions relating to Real Property."

112 "Of the Property of Married Women."

93 "Of the Recovery of Possession of Tenements in Certain Cases."

116 "Of the Protection of Lodgers' Goods."

THIRD INTERMEDIATE.

Goodeve's Personal Property.
Underhill on Trusts.

Roscoe Admiralty Practice
^{CURRICULUM}
~~Maclean~~ on Shipping. *Bole*

The (Imperial) Merchant Shipping Act, 1894.

Consolidated Statutes (Third Series):—

Cap. 211 "Of the Liability of Employers for Injuries to Workmen in their Service."

90 "Of the Limitation of Personal Actions and of Guarantees and Sureties."

185 "Of Bills of Exchange, Cheques, and Promissory Notes."

186 "Of Bills of Lading."

190 "Of Partnership."

181 "Of the Sale of Goods."

125 128 "Of Trustees."

167 "Of the Merchant Shipping Service and Desertion from the Royal Navy."

168 "Of Merchant Shipping."

FOURTH INTERMEDIATE.

Strahan's Conveyancing.

Kenny's Criminal Law.

Phipson's Manual of Evidence.

Orders on Pleading. The Rules under the Judicature Act.

Consolidated Statutes (Third Series):—

Cap. 111 "Of the Registration of Deeds and other Documents."

118 "Of the making of Last Wills and Testaments."

110 "Of Conveyances by Deed, &c. (with simple forms).

95 "Of the Application of the Criminal Law of England, &c."

96 "Of the Jurisdiction, &c. of Stipendiary Magistrates, &c. as to Certain Offences."

91 "Of Evidence."

CERTIFICATE OF FITNESS.

Anson on Contracts.

Pollock on Torts.

Smith's Equity.

Practice: The Judicature Act.

Consolidated Statutes (Third Series):—

Cap. 85 "Of the Central and Harbour Grace District Courts."

86 "Of Stipendiary Magistrates and Justices of the Peace."

1930 Summer Juss. list 2-1
ALL.

The Benchers do not prescribe books for the examination for Call, but they require the candidate to satisfy them as to his knowledge of law and fitness to be called to the Bar.

Candidates will be examined not only upon the Statutes above referred to but also upon any amending Statutes.

Candidates are expected to cite the cases which support their answers.

The attention of students is drawn to the fact that the Statutes of the Imperial Parliament passed since 1832 do not apply to this country, except amendments to criminal and shipping laws, or where such Imperial Statutes are expressly made applicable.

Rules
ALTERATIONS IN CURRICULUM

Fall Term 1928 - page 164 Kummie Book

General Amendments of Rules

- 1) Strike out Rule 24 and insert thereof the following.

At the first meeting of Convocation after a vacancy in the office of Treasurer has occurred, a Treasurer shall be elected whose term of office shall be three years provided he shall continue for that period to be a Benchman and until a successor has been elected.

The retiring Treasurer shall be eligible for re-election.

- 2) Strike out Rule 29 and insert thereof the following.

At the first meeting of Convocation after a vacancy in the office of Secretary has occurred a Secretary shall be elected whose term of office shall be three years provided he shall continue for that period to be a Benchman and until a successor has been elected. The retiring Secretary shall be eligible for re-election.

- 3) Strike out from Rule 39 the words "One year" in line 2 and substitute the words "Four Terms". Strike out the words "Six months" in line 5 and substitute the words "Two Terms".

ALTERATIONS IN CURRICULUM

1st Intermediate

1. Law & history of the English Constitution
 Outlines of Constitutional Law
 Chambers & Asquith
 & Constitutional History of England
 Chambers
2. Jurisprudence & Roman Law
 Ancient Law - Maine
 Introduction to Roman Law - Hunter
3. Common Law.
 The Principles of the Law of Contracts & Torts
 Tudemann & Wilshire
4. Equity.
 Manual of the Principles of Equity
 Tudemann.

2nd Intermediate

Dicey - Law & Custom of the Constitution
 Halpand - Jurisprudence
 Lopham - Company Law
 Hoar - Landlord & Tenant
 Consolidated Statutes - 3rd Series
 caps - 109-89-112-93-116.

3rd Intermediate

Gordene - Personal Property
 Underhill - Trusts
 Rose - Admiralty Practice
 Cole - Shipping

ALTERATIONS IN CURRICULUM

3rd Intermediate
Consolidated Statutes - 3rd Series
Caps. 21 - 90 - 185 - 186 - 190 - 184 -
125 - 167 - 168.

4th Intermediate

LAW SOCIETY ACTS.

ANNO QUARTO

GULIELMI IV. REGIS.

[2ND SESSION.]

CAP. XXIII.

An Act to incorporate a Law Society in Newfoundland, and to regulate the admission of barristers and attornies to practise in the law in the several courts of this island.

[12th June, 1834.]

I.—Practitioners at the bar may form themselves into a society to be called "The Law Society of Newfoundland."

II.—Power to make bye-laws, &c., Governors, benchers, and officers of the society.

III.—Members to meet and frame rules and regulations. Such rules, when approved by the judges, to be the constitution of the society.

IV.—Practitioners may have not exceeding three articled clerks.

V.—Barristers of the United Kingdom or the North American colonies may be called to the bar, on being entered of this society.

VI.—No person under age to be admitted to practice.

VII.—Qualifications for admission as Attornies. Proviso: Supreme Court, in case of deficiency of attornies, may admit barristers to practice as such.

VII.—Treasurer and Benchers of the Society constituted a body corporate.

BE IT ENACTED, by the governor, council, and assembly of Newfoundland, that from and after the passing of this act, it shall and may be lawful for the persons, now admitted to practise in the law, and practising at the bar of any of His Majesty's courts of this island, to form themselves into a society, to be called "The Law Society of Newfoundland," as well for the establishing of order amongst themselves, as for the purpose of securing to the island and the profession, a learned and honorable body, to assist their fellow-subjects as occasion may require and to support and maintain the constitution of the island.

II.—And be it further enacted, by the authority aforesaid, that the said society shall, and it is hereby authorized to, form a body of rules and regulations for its own government, under the inspection of the judges of the Supreme Court of this island, for the time being, as visitors of the said society, and to appoint six members, or more, of the present practitioners, and such six members or more for the time being, in all times to come, whereof His Majesty's attorney-general and solicitor-general, for the time being, shall be, and be considered to be two, as governors or benchers of the said society, and also to appoint a librarian and treasurer.

III.—And be it further enacted that it shall and may be lawful for the said practitioners, or as many as can be called together (whereof His Majesty's attorney general and solicitor general shall be two) to assemble at St. John's, in the island aforesaid, on the first day of July next after the passing of this act, for the purpose of framing and adopting such rules and regulations as may be necessary for the immediate establishment of the said society, and its future welfare: And such rules and regulations as shall then and there be adopted, shall be openly read, and entered in a book, to be for that purpose provided, and having received the approbation of the said judges, as visitors as aforesaid, shall be, and be considered to be, the constitution of the said society, and binding upon all its members. Provided always, that it shall and may be lawful, in time to come, to add such other rules and regulations, with the approbation of the judges as aforesaid, as may then and there be necessary.

IV.—And be it further enacted, that it shall and may be lawful to and for every person now practising at the bar of any of His Majesty's courts of this island, or who shall hereafter be duly authorized to practise as aforesaid, to take and have three articled clerks at one time, and no more.

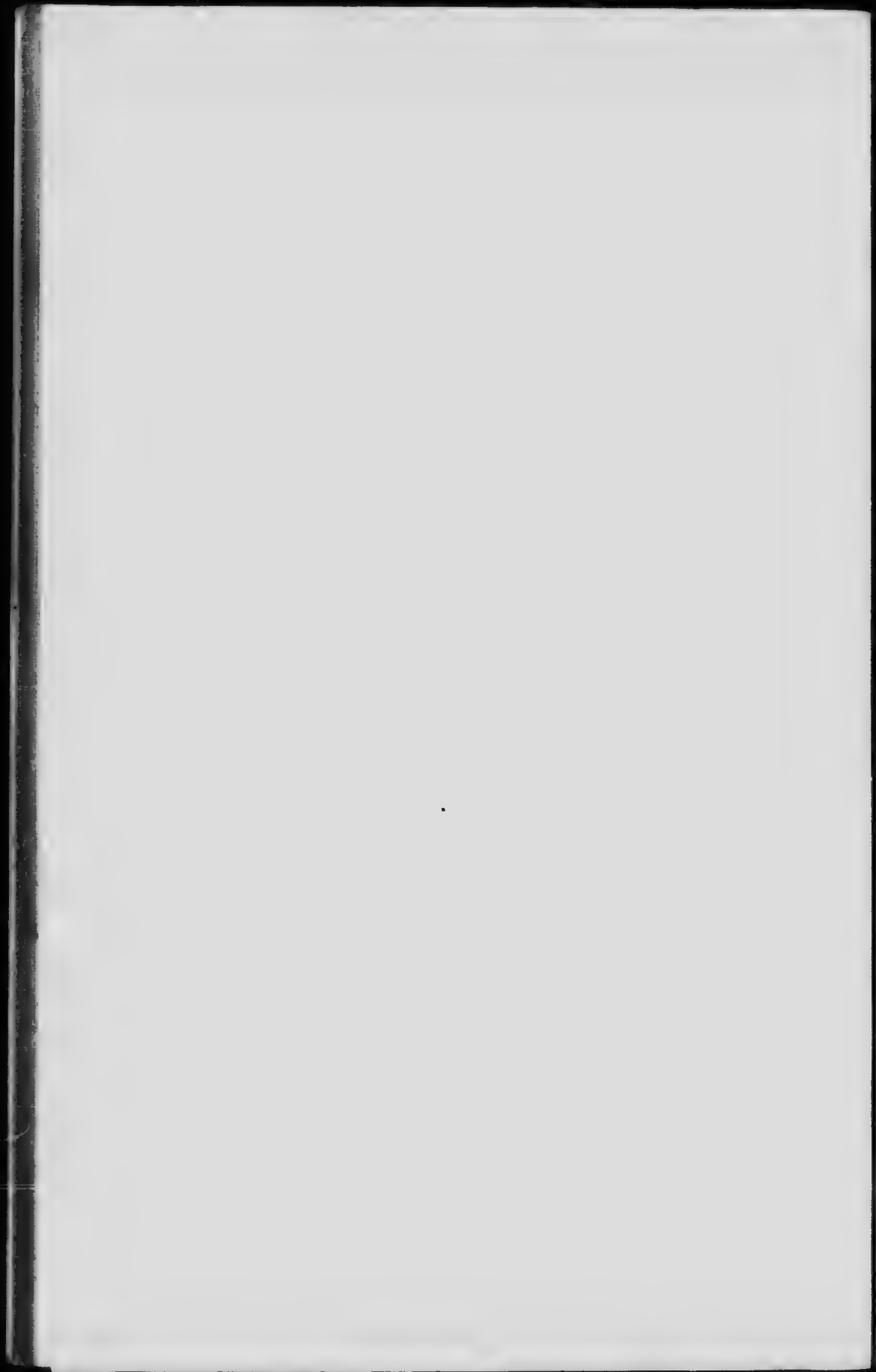
V. And be it further enacted, that from and after the passing of this Act, it shall and may be lawful for any person, having been duly called to the bar of any of His Majesty's superior courts, not having merely local jurisdiction, in England, Scotland, or Ireland, or in any of His Majesty's North American colonies, in which the same privilege would be extended to barristers of this island, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct, to the satisfaction of the Law Society of this island, to be called by the said society to the degree of a barrister, upon his entering himself of the said society, and conforming to all the rules and regulations thereof.

VI.—And be it further enacted, that no person shall be permitted to practise as an attorney or barrister of this island, who shall not have attained, at the time of his admission and being called to the bar, the full age of twenty-one years.

VII.—And be it further enacted, that from and after the passing of this Act, no person shall be admitted by the Supreme Court to practise as an attorney of this island, unless upon an actual service of five years with some practising attorney of this island, or who having been entered upon the books of the said society as student at law, shall have been subsequently called to the bar in England, Scotland, or Ireland, or any of

His Majesty's colonies: Provided always, that if at any time there shall not, in the opinion of the Supreme Court, be a sufficient number of fit and proper persons practising as attornies in Newfoundland, to conduct the ordinary business of the island, in the different courts of justice established therein: then, and in such case it shall and may be lawful for the said Supreme Court to admit any such barrister or barristers as aforesaid, who may have been so called to the degree of a barrister in this island, to practise also as an attorney or attornies in the several courts thereof.

VIII.—And be it further enacted, that the treasurers and benchers of the said Law Society for the time being, and their successors, to be nominated and appointed according to the rules and bye-laws of the said Society, shall be, and they are hereby declared to be, one body corporate and politic, in deed and in law, by the name of the "Law Society of Newfoundland," and shall have perpetual succession and a common seal, with power to break, alter, change, or make new the same; and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any court or courts of record, and places of jurisdiction within this island; and that they and their successors, by the name aforesaid, shall be able and capable in law, to have, hold, receive, enjoy, possess, and retain, for the end and purposes of this act, and in trust and for the benefit of the said society, all such sum and sums of money, as shall or may be given, devised, or bequeathed, by any person or persons, to and for the use of the said society; and that they and their successors by the name aforesaid, shall and may, at any time hereafter, without any license of mortmain, purchase, take, receive, have, hold, possess, and enjoy, all lands, tenements, or hereditaments, for the purposes of the said society, and for no other purpose whatsoever; and may also, in the same manner, sell, grant, lease, demise, alien, or dispose of the same, and do and execute all and singular, other matters and things that to them shall or may appertain to do.



CONSOLIDATED STATUTES OF NEWFOUNDLAND

[THIRD SERIES.]

CHAPTER 87.

Of the Law Society, Barristers and Solicitors

SECTION

- 1.—Short title.
- 2.—Law Society as now constituted to continue.
- 3.—Treasurer and benchers to be a body corporate.
- 4.—Judges to be visitors.
- 5.—*Ex officio* Benchers.
- 6.—Benchers other than *ex officio* to be seven in number.
- 7.—Time of election; Qualification of electors and Benchers.
- 8.—Each elector may vote for seven Benchers.
- 9.—Mode of conducting election; notices; manner of voting; vote by proxy.
- 10.—Seven having highest votes shall be Benchers for three years.
- 11.—Persons entitled to vote may be present at counting.
- 12.—Votes to be counted by scrutineers.
- 13.—In case of equality of votes another vote to be taken.
- 14.—Disqualification of elector in certain cases.
- 15.—Secretary to make out list of persons entitled to vote; to receive complaints concerning same; proceedings thereon; to add to list persons called to the Bar in terms previous to election. Revised list shall stand as register of electors. Persons not on list shall not be entitled to vote.
- 16.—No person eligible as Benchers unless five years called, and qualified to vote.
- 17.—Retiring Benchers eligible for re-election.
- 18.—Votes cast for *ex officio* Benchers null and void.
- 19.—Proceedings in case votes cast be more or less than seven.
- 20.—Result of election declared by Secretary, and published in *Royal Gazette*.
- 21.—Benchers may make regulations, &c.
- 22.—Voting papers shall not be destroyed until term after election.
- 23.—Only voting papers given by Secretary to be used.
- 24.—Proceedings in case of vacancy in office of Secretary.
- 25.—Persons elected Benchers take office immediately.
- 26.—Absence from Convocation of Benchers for two consecutive terms.
- 27.—Election of Treasurer and Secretary.
- 28.—Power of Benchers to fill vacancies.
- 29.—Benchers may make rules for government of Society.
- 30.—Powers of Benchers in enquiries before them; to administer oath; to summon with force of subpoenas; attachment for disobedience.
- 31.—Benchers may appoint necessary officers and servants.

SECTION

- 32.—Benchers may make rules for the improvement of legal education; appointment of readers and lecturers; imposition of fees; attendance of students; examinations for establishment of scholarships, etc.
- 33.—Benchers shall have power to call to the Bar as heretofore.
- 34.—Benchers may make rules, &c., for admission of Students, Barristers, &c.
- 35.—Benchers may make rules for examination for Solicitors' certificates, appointment of examiners, &c.
- 36.—Benchers may suspend decision as to granting certificates.
- 37.—Benchers may disbar a Barrister, or disqualify Solicitor or Student for unprofessional or improper conduct; proceedings thereon.
- 38.—Notice to be served on him.
- 39.—Appeals to Supreme Court.
- 40.—Procedure if no appeal.
- 41.—Benchers may make rules.
- 42.—Library; Benchers may appropriate money for maintenance.
- 43.—Reporters.
- 44.—Publication of reports.
- 45.—Remuneration of reporters.
- 46.—Annual meeting in January. Benchers shall report; may make rules for conduct of business, &c.
- 47.—Special general meetings.
- 48.—Fees to go to general funds of the Society.
—Benchers to have power to raise by loan \$2,000. Sinking fund for repayment.
- 50.—Persons qualified as Barristers.
- 51.—No person except duly qualified shall act as Solicitor.
- 52.—Rights of Attorneys and Solicitors heretofore practicing preserved; Solicitors shall be Officers of the Supreme Court. No admission under age of twenty-one.
- 53.—Persons qualified for admission as Solicitors.
- 54.—Enactments as to service of Clerks under articles; Articles to be filed; Time of service to date from filing; Solicitor to have no more than three Clerks; In case of insolvency, &c., of Solicitor, Supreme Court may order discharge or assignment of Clerk; Provision in case of discharge of contract by death of Solicitor.
- 55.—Qualifications and conditions for Solicitor's admission; service and actual employment under articles; examination and swearing in; deposit of articles with Secretary, and certificate of service, &c., with affidavits; candidates must take oath of allegiance and office.

SECTION

54. Enactments as to examinations of Articled Clerks and Solicitors; preliminary, intermediate and final examinations; no Benchers to take part in examination of his own or partner's Students.
55. Proceedings for admission of Barristers and Solicitors of other Courts.
56. Benchers to make rules for admission of Solicitors; as to articles, certificates, capacity, examiners, &c.
57. Benchers may give certificate of fitness and qualification of candidate to be admitted as Solicitor.
58. Candidates shall produce certificate, &c., before a Judge of the Supreme Court; Proceedings thereon.
59. Women may be Barristers or Solicitors.
60. Fees to be paid to Registrar for Law Society.
61. Registrar to deliver annually, to Secretary names of Solicitors admitted since last return.
62. Secretary to enter such copies in a book with numbers.
63. Secretary shall put up in Law Library alphabetical list of all Solicitors who have taken out certificates for year, &c.; Practising Solicitors must obtain certificates, &c.; Fees for certificates as Society may determine.
64. No certificate to be issued to Solicitor indebted to Society for fees or fines.

SECTION

65. When certificates not taken out before first Monday in January additional fees required.
66. Solicitor practicing in Supreme Court without certificate liable to a penalty of \$200.
67. Solicitor practising in Supreme or other Courts without certificate liable to suspension and penalty.
68. Solicitor being a prisoner shall not practice during confinement; Penalty.
69. Solicitor acting as agent of person not qualified may be struck off the roll, and unqualified person imprisoned for one year.
70. Supreme Court may fine, suspend or strike off roll a Solicitor for default of moneys received by him as Solicitor.
71. Unqualified person commencing or prosecuting suit not to recover fees; contempt of court.
72. Solicitors holding certain offices prevented from practicing; penalty.
73. No Solicitor shall practice while engaged in trade.
74. After twelve months admission Solicitor not to be struck off the roll for defect in articles, registry, service, admission or enrolment.
75. When Solicitor struck off Registrar to certify to Secretary, Schedule.

PART I.

OF THE LAW SOCIETY.

1. This Chapter may be cited as "The Law Society Act."

2. The Law Society of Newfoundland shall continue as at present constituted, subject to the provisions of this Chapter, and to the bye-laws, resolutions, rules and regulations of the said Society in force on the first day of June, A. D. 1916, except so far as the same are inconsistent with this Chapter, until altered by the Benchers of the said Society, pursuant to this Chapter.

3. The Treasurer and Benchers of the said Society, heretofore incorporated, and their successors, shall continue to be a body corporate and politic by the name of "The Law Society of Newfoundland," and may purchase, take, possess, and after acquiring the same, sell, lease, or depart with any lands and chattels, real or personal, for the purposes of the said Society, but for no other purpose, and may execute all matters pertaining to them to do.

4. The Judges of the Supreme Court of Newfoundland shall be visitors of the Society as heretofore.

BENCHERS.

5. The Attorney General, the Registrar of the Supreme Court, (being a Barrister), and all members of the Bar of Newfoundland who have at any time held the office of Attorney General of

1925 Del

Newfoundland, and any retired Judge of the Supreme Court shall respectively, *ex officio*, be Benchers of the Society.

~~6. The Benchers of the Law Society, exclusive of *ex officio* members,~~ shall be seven in number, to be elected as hereinafter provided.

~~7. The election of Benchers shall be held on the second Monday in January of every third year from the year 1916.~~

~~8. Each member of the Bar, not hereinafter declared ineligible as an elector,~~ may vote for seven persons.

9. The election shall be conducted as follows, subject to such rules and regulations as may be made by virtue of section 21.

(1) Due notice having been given to all members of the Bar to attend at the place in St. John's appointed for holding the election, the Secretary shall deliver to each elector present, eligible to vote, a voting paper which shall contain a list of—

(a) The names of the *ex officio* Benchers.

(b) The names of the Benchers then holding office, not being *ex officio* Benchers.

(c) The names of all members of the Bar qualified for election or re-election.

(2) The elector then shall vote by striking out seven names on the list (c) for seven of those qualified for election or re-election, and folding up the voting paper, place it in the ballot-box in the presence of the Secretary.

(3) Any elector qualified to vote, and not being present, may vote by proxy, by authorizing some qualified elector to mark his voting paper, which the Secretary shall deliver to the said proxy upon due written authority so to do, and the same rules shall apply to proxies as to members present.

10. The seven persons who have the highest number of votes shall be Benchers of the Law Society for the next term of three years and shall hold office until the election of their successors, as provided for in section seven.

11. Any person entitled to vote at such election shall be entitled to be present at the counting of the voting papers.

12. The voting papers shall be counted by three scrutineers, of whom one shall be the Secretary and two shall be appointed by the meeting.

13. In case of an equality of votes between two or more persons, which leaves the election of one or more Benchers undecided, another vote shall be taken in the same manner as hereinbefore provided, the voting being limited to those only who have attained an equality of votes upon the first ballot, and the member or members obtaining the largest number of votes upon such new ballot shall be declared elected.

14. No person shall be entitled to vote at an election if he has ceased to practice his profession or unless all his fees to the Law Society have been paid.

15. (1) The Secretary of the Law Society shall, in the term previous to the time for any election, make out an alphabetical list or register of the members of the Bar who are entitled to vote at the succeeding election and such register shall be posted up in the Law Library or other place in the Court House in Saint John's for at least fourteen days before such election.

(2) In case any member of the Society complains to the Secretary, in writing, of the improper omission or insertion of any name in the list, it shall be the duty of the Secretary forthwith to examine into the complaint and rectify the error, if any there be; and in case any person is dissatisfied with the decision of the Secretary, he may appeal to the Benchers, and their decision shall be final, and such list shall remain or be altered in accordance with their decision.

(3) The Secretary shall add to the list the names of all persons who have been called to the Bar during the term previous to the election, and no alteration shall be made in the list, except as provided in this section; and the list as it stands revised upon the Monday preceding the election shall be the register of persons entitled to vote at the next election.

(4) No person whose name is not inserted in the said list shall be entitled to vote at the election.

~~**16.** No person shall be eligible as a Benchers at any election who shall not have completed five years at the Bar or who is not qualified to vote at the election.~~

17. At all elections retiring Benchers shall be eligible for re-election.

18. Any votes cast for any person who is ineligible to be a Bencher, or who is a Bencher *ex officio*, shall be null and void, and the election shall be declared as if such votes had not been cast.

19. In the event of an elector marking more than seven names on his voting paper, ~~the first seven only~~ shall be counted. In the event of there being less than seven names marked on the paper, it shall be declared null and void.

20. Upon the completion of the scrutiny of the votes the Secretary shall forthwith declare the result of the election and shall cause the names to be published in the issue of the *Royal Gazette* next ensuing after such election.

21. The Benchers of the Society may make such regulations as they consider expedient, not contrary to the provisions of this Chapter, for regulating the procedure under the preceding fourteen sections of this Chapter.

22. The voting and other papers belonging to any election shall not be destroyed until after the close of the term next succeeding the election, but the same shall together with all other papers in connection with the said election, be retained by the Secretary.

23. No elector shall use any other voting paper than that given him by the Secretary, and the voting on any other paper than that supplied by the Secretary shall be void. An elector who spoils a voting paper may obtain another from the Secretary.

24. In the event of there being no Secretary for the time being of the Law Society at the time at which any election under this Chapter is to be held, or in the event of the Secretary being unable from illness or other unavoidable cause to act at the election, then and in such case the Treasurer for the time being of the Law Society shall appoint, under his hand, some other person to act as Secretary, and the person so appointed shall perform all the duties of the Secretary as prescribed by this Chapter.

25. The persons so elected Benchers as aforesaid shall take office immediately after they shall be elected and shall hold office until the election of their successors.

26. The seat of an elected Benchers who has failed to attend the meetings of the Benchers for two consecutive terms, shall, at the expiration of the said period, become vacant.

27. The Benchers shall, on the first meeting after their election, proceed to elect one of their body as Secretary and one of their body as Treasurer, who shall be and be called the President of the Society; and such Treasurer and Secretary shall hold office until the appointment of their successors; provided that the retiring Treasurer and Secretary shall be eligible for re-election.

28. In case of the failure in any instance to elect the requisite number of duly qualified Benchers, according to the provisions of this Chapter, or in case of any vacancy caused by the death or resignation of any Benchers, or by any other cause, then it shall be the duty of the remaining Benchers, with all convenient speed, at a meeting of the Benchers to be specially called for the purpose and to be held to supply the deficiency in the number of Benchers failed to be elected as aforesaid, or caused by any of the means aforesaid, to fill such vacancy by appointing to such vacant place or places, as the same may occur, any person or persons duly qualified under the provisions of this Chapter to be elected as a Benchers or Benchers; and the person or persons so elected shall hold office for the residue of the period for which the other Benchers have been elected.

POWERS OF THE BENCHERS.

29. The Benchers may, from time to time, in convocation, make rules for the government of the Law Society and other purposes connected therewith.

30. Upon any enquiry by the Benchers or a committee of the Benchers, the Benchers or committee shall have power to examine witnesses under oath; and a summons under the hand of the Treasurer of the Law Society, or under the hand of three Benchers, for the attendance of a witness, shall have all the force of a subpoena; and any witness not attending in obedience thereto shall be liable to attachment in the Supreme Court.

31. The Benchers may appoint such officers and servants as may be necessary for the management of the business of the Law Society.

32. The Benchers may make rules for the improvement of legal education, and may appoint readers and lecturers; and may impose fees and prescribe rules for the attendance of students and articled clerks at such readings or lectures, and for the examinations thereon as conditional

to call to the Bar, and admission as a Solicitor, and may establish scholarships and prizes in connection therewith.

33. The Benchers shall have the power heretofore exercised to call and admit to the practice of the law, as a Barrister, any person duly qualified to be so admitted according to the provisions of law and the rules of the Society.

34. The Benchers may from time to time, make all necessary rules, regulations and bye-laws respecting the admission of students-at-law, the call or admission of Barristers to practice the law, and all other matters relating to the discipline and honour of the Bar.

35. The Benchers, with the approbation of the visitors, shall, from time to time, make such rules as they consider necessary for conducting the examination of persons applying to be admitted as Solicitors, as well touching the articles and service, and the several certificates required by law to be produced by them before their admission, as to the fitness and capacity of such persons to act as Solicitors, and may, from time to time, nominate and appoint examiners for conducting such examinations.

36. In any of the foregoing cases where it appears to the Benchers expedient for the purposes of further enquiry or investigation, they may suspend for a period not exceeding twelve months their final decision in respect to the granting or refusal of any certificate.

37. Whenever a person, being a Barrister-at-law, or a Solicitor of the Supreme Court of Newfoundland, or a Student-at-law, or a Solicitor's clerk serving under articles, has been or may hereafter be found by the Benchers of the Law Society, after due enquiry by a committee of their number or otherwise, guilty of professional misconduct, or of conduct unbecoming a Barrister, Solicitor, Student-at-law or Articled Clerk, it shall be lawful for the said Benchers in convocation to resolve that such Barrister be disbarred or be suspended from practising for such time as the Benchers may deem proper; that such Solicitor is unworthy to practise, or that he be suspended from practising for such time as the Benchers may deem proper; that such Student be expelled from the Society and the membership thereof, and that his name be struck from the books of the Society, or that he be refused admission to the usual examinations either absolutely or for such time as the Benchers may deem proper; and that such Clerk be refused admission to the usual examinations, or be refused the certificate of fitness necessary to enable him to be admitted to practise, either absolutely or for such time as the Benchers may deem proper.

38. A copy of such resolution shall forthwith be served upon the Barrister, Solicitor, Student-at-law, or Clerk, as the case may be, either personally or by leaving the same at his office or ordinary place of address.

39. (1) Such Barrister, Solicitor, Student or Clerk may, within fourteen days next after the service upon him of such resolution, appeal therefrom to the Supreme Court, by filing in the office of the Registrar of the said Court a notice of appeal specifying the grounds upon which such appeal is made; and a copy of such notice shall be left with the Secretary of the Law Society within the time aforesaid.

(2) When such notice has been given the Secretary of the Law Society shall transmit to the Supreme Court all papers connected with the charge and the proceedings thereunder and the evidence taken thereon, together with a copy of the resolution of the Benchers.

(3) The appellant or the Law Society may on motion have the appeal set down for hearing.

(4) The Supreme Court may set aside the resolution of the Benchers, or may confirm or vary the same, and in such case—

(a) May make an order that the Benchers have leave to disbar the Barrister, or to suspend him for a specified period; to expel the Student from or deprive him of membership in the Society, or refuse him admission to any examination, either absolutely or for a specified period; or to refuse the Clerk admission to any examination, or to refuse him a certificate of fitness, either absolutely or for a specified period;

(b) May make an order striking the Solicitor off the rolls, or suspending him for a specified period.

40. If such Barrister, Solicitor, Student or Clerk does not give notice of appeal within the time and in the manner hereinbefore provided—

(1) In the case of a Barrister, Student or Clerk, the resolution of the Benchers shall take effect immediately upon the expiration of the said period of fourteen days; and

(2) In the case of a Solicitor, copy of such resolution shall forthwith be communicated by the Secretary of the Law Society

to the Supreme Court, and thereupon, without any formal motion, the Supreme Court shall make an order striking such Solicitor off the rolls, or suspending him from practising for the period named in such resolution as the case may be.

41. The Benchers shall have power to make all rules necessary for giving effect to the preceding four sections.

THE LIBRARY.

42. (1) The Library of the Society shall vest in and be under the control and management of the Benchers, who shall have power, from time to time to make all rules and bye-laws for the safe keeping and preservation thereof, the due maintenance of the same, and the regulation and keeping of order in the Library Rooms; and may impose fines upon the members of the Society for the non-observance of such rules and bye-laws.

(2) The Benchers may appropriate, in their discretion, such money as may be from time to time in their hands, for the purpose of efficiently maintaining the said Library.

REPORTERS.

43. (1) The Benchers may, from time to time, appoint persons, being members of the Law Society, of the degree of Barrister-at-Law, to be editors and reporters of the decisions of the Supreme Court.

(2) Such persons shall hold office at the pleasure of the said Benchers, and shall be amenable to them in convocation for the correct and faithful discharge of their respective duties, according to such regulations as the Benchers may from time to time, make in respect thereof.

44. The Benchers shall make regulations for printing and publishing the reports of said decisions, and the distribution of the reports and the price and mode of issuing thereof, and all such other regulations in respect thereto as they may at any time consider necessary, and any profits arising from the reports shall form part of the general funds of the Law Society.

45. The Benchers shall, from time to time, determine the remunera-

tion to be allowed to the editors and reporters, and shall pay the same out of the general funds of the Society.

ANNUAL AND SPECIAL MEETINGS.

46. There shall be a general annual meeting of the Society at such time in the month of January in each year as the Benchers may appoint.

(1) At such general annual meeting the Benchers shall report the general condition of the Society and its affairs, and may bring before the members of the Bar for consideration and discussion, such matters and subjects as the Benchers may think necessary for the promotion of legal education and the general interests of the legal profession and the improvement of the laws of the Colony.

(2) The Benchers may make rules and bye-laws for the conduct of the business and discussions at such meeting.

47. Special general meetings of the Society may at any time be convened by the Secretary at the request of the Treasurer, or upon the requisition of five members of the bar. A notice stating the objects of such special general meeting shall be sent to each member of the Society at least one day previous to the day of meeting, and no other business shall be taken up at such meeting.

48. All fees payable by Barristers and Solicitors, and for the annual certificates to practise, and by Students and Articled Clerks on admission as such, and on examinations and attendance on lectures and readings, shall be paid into the general funds of the Law Society, and shall be such at the Law Society from time to time prescribes.

49. (1) The Benchers shall have power to raise by loan, on the credit of the funds and property of the Society, by public advertisement and on tender, or as the said Benchers may think fit, a sum of money not exceeding two thousand dollars, which sum, with interest thereon at the rate of five per centum per annum, shall be, and is hereby declared to be a first charge by way of mortgage upon the funds and property of the Society, and shall be repayable out of the funds of the Society at the times and in the manner prescribed by the certificate in the schedule annexed to this Chapter; and such certificate shall not be subject to the registration law of the Colony.

- (2) The Benchers shall, out of the moneys of the Society, create a sinking fund in the Newfoundland Savings' or other Bank, of such annual sum as will, at the expiration of the time limited for the repayment of the said loan, liquidate the amount thereof.

PART II.

OF BARRISTERS-AT-LAW.

50. Subject to any rules, regulations or bye-laws, made by the Benchers, the following persons and no others may be admitted to practice at the Bar in His Majesty's Courts in Newfoundland:

- (1) Any person who has been admitted into and stands upon the books of the Society as a Student of the Laws for five years, and has conformed himself to the rules of the Society, and has been enrolled a Solicitor of the Supreme Court.
- (2) Any person who has been admitted into and stands on the books of the Society as a Student of the Laws for three years and has conformed himself to the rules of the Society and has, prior to the date of his admission to the Society, and to the books of the Society as student, actually taken and had conferred upon him the degree of Bachelor, Master, or Doctor in Arts, Law or Science, (not being an honorary degree) in any of the Universities of the United Kingdom of Great Britain and Ireland, having power to grant degrees, or of any colonial or foreign University or College having power to grant degrees, and approved of by the Benchers, and who has been enrolled a Solicitor of the Supreme Court.
- (3) Any person who has been admitted into and stands on the books of the Society as a Student of the Laws for four years, and has conformed himself to the rules of the said Society, and who, prior to the date of his admission to the said Society and to the books of the said Society as a student, has actually passed the first public examination before Moderators in the University of Oxford, or the Previous examination in the University of Cambridge or the examination in Arts for the second year in the University of Durham, or the Matriculation examination in any of the Universities or Colleges referred to in the last preceding sub-section, and has been enrolled a Solicitor of the Supreme Court.

- (4) Any person who has been duly called to the Bar of England, Scotland, or Ireland, (excluding the Bar of Courts of merely local jurisdiction), on producing sufficient evidence of such call or admission, and testimonials of good character and conduct to the satisfaction of the Society, and has been enrolled a Solicitor of the Supreme Court.
- (5) Any person who has been duly called to the Bar of any of His Majesty's Superior Courts in any of His Majesty's colonies or provinces in which the same privilege would be extended to Barristers from Newfoundland, and who produces sufficient evidence of such call and testimonials of good character and conduct to the satisfaction of the Society and has been enrolled a Solicitor of the Supreme Court.
- (6) Any person who, having become a member of the Society, and having conformed to its rules, shall have obtained his admission as a Solicitor under sub-sections six or seven of section fifty-two of this Chapter.

PART III.

OF SOLICITORS.

51. Unless admitted and enrolled, and duly qualified to act as a Solicitor, no person shall act as a Solicitor in any Court of civil or criminal jurisdiction, or before any Justice of the Peace, or shall as such sue out any writ or process, or commence, carry on, solicit or defend any action or proceeding in the name of any other person, or in his own name.

WHO MAY BE ADMITTED.

- 52.** (1) All persons heretofore admitted as Solicitors or Attorneys of, or by law empowered to practise in, the Supreme Court, shall be called Solicitors of the Supreme Court of Newfoundland, and shall be entitled to the same privileges, and be subject to the same obligations, so far as circumstances will permit, as they were entitled to or subject to prior to the first day of June, A. D. 1889.
- (2) Any Solicitors to whom this section applies shall be deemed to be officers of the Supreme Court as heretofore.
 - (3) No person shall be admitted a Solicitor of the Supreme Court who shall not have attained the full age of twenty-one years.

53.—Subject to the provisions hereinafter contained, and to any rules and regulations made by the Benchers of the Society, the following persons, and no others, may be admitted and enrolled as Solicitors:

- (1) Any person who has been bound by contract in writing to a practising Solicitor in Newfoundland, to serve, and has served him as his Clerk for five years.
- (2) Any person who has been bound by contract in writing to a practising Solicitor in Newfoundland to serve, and has served him as his clerk for three years, and who, prior to his having entered into such contract, had actually taken and had conferred upon him the degree of Bachelor, Master or Doctor in Arts, Law or Science, in any of the Universities or Colleges mentioned in sub-section two of section 50 of this Chapter.
- (3) Any person who has been bound by contract in writing to a practising Solicitor in Newfoundland to serve, and has served him, as his clerk for four years, and who, prior to his having entered into such contract, has passed the first public examination before Moderators in the University of Oxford, or the Previous examination in the University of Cambridge, or the examination in Arts for the second year in the University of Durham, or the Matriculation examination in any of the Universities or Colleges mentioned in sub-section two of section 50 of this Chapter.
- (4) Any person who has been duly called to practice at the Bar of any of His Majesty's Superior Courts (not having merely local jurisdiction) in England, Scotland or Ireland.
- (5) Any person who has been duly called to the Bar of any of His Majesty's Superior Courts in any of His Majesty's colonies or provinces in which the same privilege is extended to Barristers from this Colony.
- (6) Any person who has been duly and lawfully sworn, admitted and enrolled as a Solicitor of His Majesty's Supreme Court of Judicature in England or Ireland, or who has been a Writer to the Signet or Solicitor in the Supreme Courts in Scotland.
- (7) Any Attorney or Solicitor of any of His Majesty's Superior Courts of Law or Equity in any of His Majesty's colonies or provinces, where the same privileges are extended to Solicitors of the Supreme Court of this Colony.

- (8) When any of the persons referred to in sub-sections (1), (2), or (3) of this section, has, prior or subsequent to his having entered into such contract, attended any term or terms at a recognized Law School, with the approval and consent of the Benchers and has passed terminal examinations for such term or terms, the time during which he shall have actually attended at such Law School shall, for the purposes of this section, be computed as if it had been passed in actual service under his articles of clerkship.
- (9) If any person who has been bound by contract in writing for a term of five years has, during his term of service, taken and had conferred upon him the degree of Bachelor or Doctor of Laws in any of the Universities mentioned in sub-section two of section 50 of this Chapter, his period of service under such contract shall be reduced by one year.

SERVICE OF ARTICLED CLERKS.

54. Subject to the powers of the Benchers, the following enactments are made with respect to the service of Articled Clerks:

- (1) Whenever any person has been bound by contract in writing to serve as Clerk to a Solicitor, such contract, with the affidavit of execution thereof annexed thereto, shall be filed with the Registrar of the Supreme Court, who shall endorse and sign upon the contract and affidavit a memorandum of the day of filing thereof, and every assignment of such contract, together with an affidavit of the execution thereof annexed thereto, shall be filed in like manner after the execution thereof. Every such affidavit shall state the date of the execution of the articles or assignment, as the case may be, by the parties thereto respectively. The term of service under articles to entitle an Articled Clerk to be admitted as a Solicitor, shall date only from the time of filing such articles, assignments and affidavits.
- (2) Every person authorized to practice as a Solicitor may have three Articled Clerks at one time and no more; and a Solicitor shall not have any Articled Clerk as aforesaid, until after he has practised for three years, nor if the Solicitor has discontinued practising as, or carrying on the business of, a Solicitor, nor whilst the Solicitor is employed as a writer or clerk by any other Solicitor; and the service by an Articled

Clerk to a Solicitor under any such circumstances shall not be deemed good service under the articles.

- (3) In case any Solicitor, before the determination of a contract of a Clerk bound to him as aforesaid, has become insolvent, or taken the benefit of any act for the relief of insolvent debtors, or been imprisoned for debt, the Supreme Court may, upon the application of the Clerk, order the contract to be discharged or assigned to such person upon such terms and in such manner as the Court thinks fit.
- (4) If a Solicitor to whom a Clerk has been so bound dies before the expiration of the term for which the Clerk became bound, or if he discontinues practice as a Solicitor, or if he ceases to reside in this Colony, or if the contract is by the consent of the parties cancelled, or in case the Clerk is legally discharged before the expiration of the term by any rule or order of the Court, the Clerk may be bound by another contract in writing to serve as Clerk to any other practising Solicitor during the residue of his said term; and in case an affidavit is duly made and filed of the execution of such last mentioned contract within the time and in the manner hereinbefore directed, and subject to the like regulations with respect to the original contract and the affidavit of its execution, due service under such second or subsequent contract shall be deemed sufficient.

CONDITIONS OF ADMISSION AS SOLICITOR.

- 55.** (1) Subject to the rules, regulations and bye-laws made by the Benchers, no person being of the class of persons mentioned in sub-sections one, two, and three, of section 53, shall be admitted and enrolled as a Solicitor, unless—
- (a) He has, during the time specified in his contract of service, duly served thereunder, and has, during the whole of such term of service, been actually employed in the proper practice or business of a Solicitor by the Solicitor to whom he has been bound at the place where such Solicitor has continued to reside during such term; nor unless—
 - (b) He has, after the expiration of such term of service, been examined and sworn in the manner hereinafter directed; nor unless—

- (c) He has, at least fourteen days next before the first day of the sitting of the Supreme Court in which he seeks admission, left with the Secretary of the Law Society his contract of service, and any assignment thereof and affidavit of the execution of the same respectively, and his own affidavit of due service thereunder, and a certificate of the Solicitor to whom he was bound, of such due service; and in case he has taken a degree or matriculated or attended a law school, as hereinbefore mentioned, a certificate of his having taken such degree or matriculated or attended at a law school, or a duly authenticated certified copy of such certificate.
- (2) The affidavits shall be in the form approved of by the visitors of the Society and shall by the applicant be delivered to the Society upon his application to be examined.
- (3) No candidate shall be admitted unless he takes the oath of allegiance and makes and subscribes the oath or affirmation following:

"I, A. B., do swear (*or solemnly affirm, as the case may be*), that I will truly and honestly demean myself in the practice of a Solicitor according to the best of my knowledge and ability. So help me God."

EXAMINATIONS.

56. Subject to any rules, regulations and bye-laws made by the Benchers, the following enactments are made with respect to the examination of Articled Clerks and candidates for admission as Solicitors.

- (1) The Benchers may, by regulation, require that a preliminary examination shall be passed before a Clerk shall be bound under articles.
- (2) No person, being of the class of persons mentioned in subsections 1, 2 and 3 of section 53, shall be admitted or enrolled as a Solicitor unless he shall have passed examinations in the subjects, at the times, and in the manner prescribed by the rules and bye-laws of the Society.
- (3) In case any person is prevented by illness or other unavoidable cause from presenting himself for, or fails to pass either of the examinations by this section required, within the time specified in the rules or bye-laws, the Benchers may, in their discretion, permit such person to pass such examina-

tion at another time, but not less than twelve months shall elapse between the Preliminary Examination and the next of such examinations, and not less than six months shall elapse between the last intermediate examination and the final examination.

- (4) No Benchers or Examiner shall take part in any examination or any question respecting the service of an Articled Clerk who shall have completed his term of service with such Benchers or Examiner or the partner of such Benchers or Examiner.

57. Subject to the rules and regulations of the Society, as aforesaid, no candidate for admission, being of the class of persons respectively mentioned in sub-sections four, five, six and seven, of section 53 of this Chapter shall be admitted, unless—

- (1) Such candidate, at least fourteen days before the first day of such term, leaves with the Secretary of the Society—

(a) In the case of a Barrister, a certificate under the seal of the Society or Inn of Court of which he is a member, duly attested under the proper hand of the proper officer thereof, that he has been duly called to the Bar, and was at the date of such certificate on the books of such Society or Inn of Court, and also an affidavit of the applicant to the satisfaction of the Benchers, that since his admission to the Bar no application to any Society or Inn of Court has been made against such person to disbar him, or otherwise to disqualify him from further practice for misconduct in his capacity of Barrister.

(b) And in the case of an Attorney or Solicitor, a certificate under the seal of the proper Court or Courts, duly attested under the hand of the proper officer thereof, that he was duly admitted and enrolled as such Attorney or Solicitor, and was at the date of such certificate on the roll of Attorneys or Solicitors of such Court or Courts; and also an affidavit of the applicant that since his admission, as aforesaid, no application to any such Court or Courts has been made against such person to strike him off the roll of any such Court or otherwise to disqualify him in the capacity of Attorney or Solicitor.

- (2) The certificates respectively shall bear date within six months

of the first day of the sitting of the Court or term during which the application is made.

58. The Benchers with the approbation of the visitors, shall, from time to time, make such rules as they consider necessary for conducting the examination of persons applying to be admitted as Solicitors, as well touching the articles and service and the several certificates required by law to be produced by them before their admission, as touching the fitness and capacity of such persons to act as Solicitors; and the Society may, from time to time, nominate and appoint examiners for conducting such examinations.

59. The Benchers, upon proof to their satisfaction of the requirements of this Chapter having been complied with, shall examine and enquire by such ways and means as they think proper touching the fitness and capacity of any applicant for admission to act as a Solicitor; and if satisfied by such examination, or by the certificate of the examiners mentioned in section 58 of this Chapter, that such person is duly qualified, fit and competent to act as a Solicitor, the Society shall give a certificate under the corporate seal of the said Society of the due service under contract in writing, of such person, and of his fitness and capacity and of his having duly complied with the requirements of this Chapter, and that he is in all respects duly qualified to be admitted as a Solicitor.

60. Upon production to one of the Judges of the Supreme Court of the above of the original contract of service, and any assignments thereof, and the affidavits of due service thereunder and all other certificates hereinbefore required, such Judge, upon being satisfied of the fitness and capacity of the candidate, shall endorse his fiat of admission upon the certificate of the Society; and thereupon the Supreme Court shall, upon such person taking in open court the oaths hereinbefore directed to be taken by Solicitors, cause him to be admitted, and his name to be enrolled as a Solicitor, and a certificate of such admission given by the Registrar of the Supreme Court, under the seal of the Court, and the documents upon which the admission has been obtained shall be filed and retained of record in the office of the Registrar.

61. Whenever in this Chapter the word "person" occurs, such word shall be held to extend to and to include a female person so as to confer upon all women the right to be entered as clerks, admitted as law students, enrolled as Solicitors, and called to the Bar, and to exercise fully all the

rights and to impose upon them all the obligations which are conferred and imposed upon men under the provisions of this Chapter.

FEES.

62. The following fees shall be payable to the Registrar of the Supreme Court for the Law Society under this Chapter, that is to say:

1. On filing articles	\$5.00
2. Every assignment	2.50
3. Every affidavit	50
4. Every certificate	2.50
5. Every fiat or admission ...	5.00
6. For every writ, whether mesne or final, issued by a Solicitor out of the Supreme Court in St. John's	25

Such fees when received, shall be paid to the Secretary for the purposes of the Society.

ANNUAL CERTIFICATES.

63. The Registrar of the Supreme Court shall, annually, during the first week in January in every year, deliver to the Secretary, certified under his hand and the seal of the said Supreme Court, a copy of so much of the roll as contains the names of Solicitors admitted to practice subsequently to the last return made to the said Secretary.

64. The Secretary shall enter all such certified copies in a book to be kept in his office for that purpose, affixing to each name a number, following in consecutive order the numbers affixed to the names previously entered.

65. The Secretary shall, in another book, to be kept in his office for that purpose, enter all the names contained in the copies so transmitted to him, alphabetically arranged, with a reference to the number of each name on the roll; and shall annually, on or before the first Monday of January in each year, put up in the library of the Society, and also in the office of the Registrar of the Supreme Court, an alphabetical list certified by him, under his hand, of all Solicitors who have taken out their certificates for the current year, and shall, from time to time, add to such

lists the name of each Solicitor who takes out a certificate at a subsequent period of the year, noting thereon the time when the certificate was taken out.

(1) Every practising Solicitor shall obtain from the Secretary of the Society, annually, before the first Monday in January, a certificate under the seal of the Society, stating that he is a practising Solicitor in the Supreme Court.

(2) Such certificate shall be issued by the Society, under the seal of the Society, according to the list of names appearing on the roll of Solicitors certified by the said Secretary, as aforesaid.

(3) Upon the payment of all fees and dues payable by such Solicitor to the Society, the Secretary shall write his name on the margin of the certificate, with the date thereof, and the certificate shall be taken as issued only from such date.

(4) The Society shall determine what fees shall be payable for certificates.

66. (1) No Barrister shall practice at the Bar in any Court in this Colony in any year, unless he has taken out his certificate to practice as a Solicitor for such year.

(2) No Solicitor shall practice in any Court in this Colony in any year, unless he has taken out his certificate to practice for such year.

(3) No certificate shall be issued to any Solicitor who is indebted to the Society for any fee, fine, or penalty payable to the Society nor until the fee for such certificate has been paid.

(4) Every Solicitor who does not, on or before the first Monday in January in any year, give to the Secretary of the Society notice in writing of his intention not to practice during the said year, shall be liable to pay the fee for a certificate to practice during such year.

67. No Solicitor admitted as aforesaid need take out any such certificate until the first Monday in January next following his admission.

- (1) If a Solicitor omits to take out such annual certificate, as aforesaid, he shall not be entitled thereto until he pays to the Society not only a certificate fee, so appointed, as aforesaid, together with any other fees or dues which he owes to the Society, but also an additional sum by way of penalty, as follows: If such certificate is not taken out before the first Monday in February, the further sum of one dollar; if not before the first Monday in March, the further sum of two dollars; and if not before the first Monday in May, the further sum of three dollars; and if not taken out before the 20th day of May the further sum of five dollars.

68. If a Barrister practices in any Court in this Colony in any year, without having taken out a certificate to practise as a Solicitor for such year, or if a solicitor, or any member of a firm of Solicitors, either in his own name or in the name of any member of his firm, practises in any Court in this Colony in any year, without such certificate being taken out by him and by each member of his firm, such Barrister or Solicitor shall for each offence forfeit to the Society the sum of fifty dollars; which sum may be sued for and recovered in the Supreme Court in an action in the name of the Society.

69. If a Barrister practises in any Court in this Colony in any year, without having taken out a certificate to practise as a Solicitor for such year, or if a Solicitor, or any member of a firm of Solicitors, either in his own name or in the name of any member of his firm, practises in any Court in this Colony in any year, without such certificate being taken out by him and by each member of his firm, he shall be liable to be suspended from practice for such offence, by resolution of the Benchers in convocation, for a period of three months, and to continue so suspended until the fee upon his certificate for the year in which he so practised without certificate is, together with a penalty of fifty dollars, paid to the Society.

70. In case a Solicitor is a prisoner in any gaol or prison, he shall not during his confinement therein, or within the limits thereof, commence, prosecute or defend as such Solicitor any action in any Court nor act in any manner in bankruptcy or insolvency; and any Solicitor so practising, and any Solicitor permitting or empowering him so to practise in his name, shall be guilty of a contempt of the Court in which any such proceedings take place, and upon the application of any person complaining thereof shall be punishable by such Court accordingly; and such Solicitor shall be incapable of maintaining any action for the recovery of any fee,

reward or disbursement for or in respect of any matter or thing done by him whilst a prisoner, as aforesaid, in his own name or in the name of any other Solicitor.

71. In case a Solicitor wilfully and knowingly acts as the professional agent of any person not duly qualified to act as a Solicitor, or suffers his name to be used in any such agency on account of or for the profit of an unqualified person, or sends any process to such person or does any other act to enable such person to practise in any respect as a Solicitor, knowing him not to be duly qualified, and in case complaint is made thereof in a summary way to the Supreme Court, and proof is made upon oath to the satisfaction of the Court, the Solicitor so offending may, in the discretion of the Court, be struck off the roll and disabled from practising as such Solicitor; and the Court may also commit such unqualified person, so having practised as aforesaid, to any common gaol or prison for any term not exceeding one year.

72. The Supreme Court may fine or suspend any Solicitor, or strike his name off the roll of Solicitors of the Court, for default by him in the payment of moneys received by him as a Solicitor, or for any other professional misconduct.

73. In case any person, unless himself a plaintiff or defendant in the proceeding, commences, prosecutes or defends in his own name or that of any other person, any action or proceeding without being admitted and enrolled as aforesaid, he shall be incapable of recovering any fee, reward or disbursements on account thereof, and such offence shall be a contempt of the Court in which such proceeding has been commenced, carried on or defended, and punishable accordingly.

74. No Solicitor shall practice in any Court in Newfoundland, either in his own name or by his partner, deputy or agent, or in the name of any other person, or otherwise, directly or indirectly, while he holds, possesses, practises, carries on or conducts any of the offices of Registrar of the Supreme Court, Clerk of the Supreme Court, Clerk of the Peace, Clerk of any District Court, or Sheriff, and every person so practising shall be subject to the forfeiture of such office, and shall, in addition thereto, be subject to a penalty of five hundred dollars to be recovered in an action in the Supreme Court by any Solicitor who shall sue for the same, which penalty, when recovered, shall be paid to the Society for the uses thereof.

75. No Solicitor shall practice in any of the Courts of Newfoundland during the time he is engaged in the business of a merchant or connected by partnership, public or private, in purchasing or vending merchandize in the way of trade as a merchant, nor until after he has ceased to be such merchant or to be so engaged or to be connected as aforesaid.

TIME LIMITED FOR STRIKING A SOLICITOR OFF THE ROLL.

76. Except in case of fraud, no person admitted and enrolled shall be struck off the roll on account of any defect in the articles of clerkship or in the registry thereof, or in his service thereunder, or in his admission and enrolment, unless application for striking him off the roll is made within twelve months next after his admission and enrolment.

PROCEEDINGS IF STRUCK OFF THE ROLL.

77. When a Solicitor is struck off the roll of the Supreme Court the Registrar of the Supreme Court shall certify the same under his hand and the seal of the Court to the Secretary of the Society, stating whether such Solicitor was struck off at his own request or otherwise, and the Secretary shall, in the book to be kept by him as aforesaid, make a note opposite the name of such person of his having been struck off the roll.

SCHEDULE.

We, Treasurer, and, Secretary of the "Law Society of Newfoundland," hereby certify that by virtue of section forty-nine of Chapter eighty-seven of the Consolidated Statutes, third series, entitled "Of the Law Society, Barristers and Solicitors," authorising the Law Society of Newfoundland to raise by loan a sum of money for the purpose of the said Society, we have received by way of loan from the sum of dollars, bearing interest at the rate of five per cent. per annum, payable half-yearly on the last days of June and December in each year, until after the expiration of twenty-five years from the date hereof, when the same shall be repayable to the said

And it is hereby covenanted that this certificate shall operate as a mortgage on all the funds and property of the said Society for the securing

of the payment of the said principal and interest when due thereunder, and without being subject to the registration law of this Colony.

Given under our hands and the seal of the Law Society of Newfoundland, at St. John's, this day of, A. D. 19...

Seal of the
Law Society.

A. B.,
Treasurer.
C. D.,
Secretary.

Fees

New clerks & Students

To Treasurer

Articled clerk

Petition	2.50
Certificate	5.00
Petition	2.50
Admission	50.00
Certificate	5.00
Annual Fee	5.00
	<u>870.00</u>

Intermediate Exam.

Petition	2.50
Certificate	<u>5.00</u>
	7.50

To Registrar for
the Law Society

Filing Articles	5.00
Affidavit	50
	<u>75.50</u>

Solicitor under
Can. Stat. Cap 87
15000

Barren under
Can Stat 15000
Annual Fee 15.00

Enrolment as Solicitor \$315.00

To Treasurer

Petition	2.50
Certificate	5.00

To Registrar

Fiat	5.00
Affidavit	1.00
Certificate. s.c	2.50
	<u>\$16.00</u>

16.00 Solicitor

Call & Fee

Petition	2.50
Admission	100.00
Diploma	5.00
Annual Fee	15.00
	<u>122.50</u>

122.50
\$122.50

Call & Fee

Law Equ

Spring

1938

March 28th

Sunday

10 —

3 —

March 29th

Tuesday

10 —

March 30

Wednesday

10 —

Parts (Pallo

Equity (

Practice & State

Judicature Act

Contracts (Au

24 Announcements

ing Term

1938

Pallock 1

Smith 1

Statutes

Act + 1930 Summary Jurisdiction Act,

Ansou 1